

Representative Hall, Atlanta, Georgia

Thursday, March 7, 2013

Thirtieth Legislative Day

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

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

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

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

Representatives Beverly of the 143rd, Carter of the 175th, Casas of the 107th, Coleman of the 97th, Dollar of the 45th, Epps of the 132nd, Jackson of the 128th, Pruett of the 149th, Setzler of the 35th, Shaw of the 176th, Waites of the 60th, Watson of the 172nd, and Williams of the 168th.

They wished to be recorded as present.

Prayer was offered by Reverend Johnny D. Crist, Pastor Emeritus, Atlanta Vineyard Church, Atlanta, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

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

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

HB 546. By Representatives Beverly of the 143rd and Watson of the 166th:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to require the Department of Public Health to establish a pilot program to assess the need for and effectiveness of using protocol technicians in areas of this state which do not have access to a hospital; to provide for legislative findings; to provide for the design of the program; to provide for an advisory council; to provide for a report; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 547. By Representatives Beverly of the 143rd, Sims of the 169th, Watson of the 172nd and Peake of the 141st:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to parks, historic areas, memorials, and recreation, so as to provide that entrance fees to state parks shall be waived for disabled veterans; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

HB 548. By Representatives Golick of the 40th, Evans of the 42nd, Wilkerson of the 38th, Carson of the 46th, Parsons of the 44th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Smyrna, approved August 27, 1931 (Ga. L. 1931, p. 955), as amended, particularly by an Act approved March 31, 1965 (Ga. L. 1965, p. 3023), so as to to change the description of the wards; to provide for definitions and inclusions; to provide for manner of election; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 549. By Representatives Burns of the 159th, Tankersley of the 160th, Hitchens of the 161st, Parrish of the 158th, Stephens of the 164th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface-water use, so as to establish water emergency response procedures; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 550. By Representatives Scott of the 76th, Dawkins-Haigler of the 91st, Dukes of the 154th, Stephenson of the 90th, Smith of the 125th and others:

A BILL to be entitled an Act to amend Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to suspension and removal of local

school board members under certain circumstances, so as to establish a peer review committee to make recommendations to the Governor regarding removal of local school board members; to provide for election and terms; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 551. By Representatives Knight of the 130th, Yates of the 73rd, Rutledge of the 109th, Stephenson of the 90th and Scott of the 76th:

A BILL to be entitled an Act to amend an Act to create a new Charter for the City of Locust Grove, Georgia, in the county of Henry, approved April 7, 1976 (Ga. L. 1976, p. 4426), as amended, to change the corporate limits of such city; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 552. By Representative Morris of the 156th:

A BILL to be entitled an Act to create a board of elections for Appling County and to provide for its powers and duties; to provide for definitions; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 553. By Representative Morris of the 156th:

A BILL to be entitled an Act to amend an Act repealing an Act creating a Board of Commissioners of Roads and Revenues for Montgomery County and creating a new board of commissioners, approved February 27, 1953 (Ga. L. 1953, Jan.-Feb. Sess., p. 2729), as amended, so as to provide for appointment of a county manager and the powers and duties thereof; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 554. By Representatives Weldon of the 3rd, Holcomb of the 81st, Welch of the 110th, Willard of the 51st, Strickland of the 111th and others:

A BILL to be entitled an Act to amend Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, so as to repeal Article 6 of the Uniform Commercial Code, relating to bulk transfers; to provide for conforming amendments to other provisions of the title; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 556. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to authorize the Recorder's Court of Columbus, Georgia, to impose and collect a technology fee for each fine imposed; to specify the uses to which said technology fees may be put; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 604. By Representatives Gardner of the 57th, Bell of the 58th, Thomas of the 56th, Kaiser of the 59th, Brooks of the 55th and others:

A RESOLUTION honoring the life of Senior Patrol Officer Gail Denise Thomas and dedicating an interchange in her memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 525	HB 526
HB 527	HB 528
HB 529	HB 530
HB 531	HB 532
HB 533	HB 534
HB 535	HB 542
HB 543	HB 544
HB 545	HB 555
HR 570	SB 76
SB 96	SB 101
SB 156	SB 160
SB 168	SB 179
SB 193	SB 194

SB 195
SB 218

SB 209

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

Mr. Speaker:

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

HB 233	Do Pass	HB 470	Do Pass
HB 476	Do Pass	HB 514	Do Pass
HB 541	Do Pass	SB 182	Do Pass
SB 183	Do Pass		

Respectfully submitted,
/s/ Sims of the 169th
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 Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 532 Do Pass

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 391 Do Pass
HR 392 Do Pass
HR 506 Do Pass

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

HOUSE RULES CALENDAR
THURSDAY, MARCH 7, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 30th Legislative Day as enumerated below:

DEBATE CALENDAR

***Pursuant to Rule 33.3, debate shall be limited to no more than 1 hour on the following bills and resolution: HB 282, HB 399, HB 499, HB 512, and HR 73.**

Time to be allocated at the discretion of the Speaker.

Modified Open Rule

- HB 150 Law enforcement officers; the reproduction of arrest booking photographs; enact provisions (Substitute)(Judy-Bruce-61st)
- HB 184 Nonpublic Postsecondary Educational Institutions Act of 1990; authorization to operate by means of accreditation for institutions that meet certain requirements; provide (Substitute)(HEd-Casas-107th)
- HB 189 Natural Resources, Department of; notify local governing authorities before making certain significant changes in park service; require (Substitute)(GF&P-Buckner-137th)
- HB 203 American Indian Tribes of Georgia; recognized legitimate tribes; remove certain information (GAff-Hamilton-24th)
- HB 458 Condominiums; maximum allowable casualty insurance deductible imposed by associations; change (Ins-Atwood-179th)
- HB 490 Teacher health insurance plans; contract with local employers to librarians and other personnel employed by regional and county libraries; expand board authorization (Ed-Barr-103rd)
- HB 506 Chattahoochee Judicial Circuit; provide for selection of chief judge (Judy-Smyre-135th)
- HB 513 Education; Georgia Medical Center Authority; abolish (H&HS-Houston-170th)
- HB 536 County law libraries; receipt and disbursement of funds by counties having a population of 950,000; repeal and reserve Code section (IGC-Sims-169th)
- HB 537 Local boards of education; population provision prohibiting certain members from holding other offices; repeal (IGC-Sims-169th)
- HB 538 County boards of health; population relative to superintendent of largest municipal school system in certain counties serving on board of health ex officio; repeal provision (IGC-Sims-169th)

- HB 539 Campus police officers; repeal a portion of a definition based upon population classification (IGC-Sims-169th)
- HB 540 Board of education; pension board recompute pension to teachers and employees who retired prior to April 1, 1955 and who had been awarded a pension for 20 years service in counties of 500,000 population (IGC-Sims-169th)
- HR 107 Joint Study Committee on Medicaid Reform; create (Substitute)(App-Sheldon-104th)
- HR 549 House Study Committee on Professional Licensing Boards; create (App-Rynders-152nd)

Modified Structured Rule

- HB 132 Georgia Board of Pharmacy and Georgia Board of Dentistry; administratively attached to Department of Community Health; provide (Substitute)(RegI-Hawkins-27th)
- HB 282 Municipal Broadband Investment Act; enact (Substitute)(EU&T-Hamilton-24th)
- HB 318 Georgia Tourism Development Act; revise certain definitions; provisions (Substitute)(ED&T-Stephens-164th)
- HB 372 HOPE; grant at technical college or university institutions; revise eligibility (Substitute)(App-Coomer-14th)
- HB 382 Torts; governing authority of school that enters into recreational joint-use agreement with public or private entity; limit liability (Substitute)(Judy-Powell-171st)
- HB 407 Drivers' licenses; mandatory use of ignition interlock devices following second conviction for driving under influence of alcohol or drugs; modify and extend provisions (Substitute)(JudyNC-Powell-32nd)
- HB 434 Liens; mechanics and materialmen; special liens include amount due and interest on such amount; provide (Substitute)(Judy-Weldon-3rd)
- HB 463 Motor vehicle licenses; registration rates under International Registration Plan for apportioned vehicles; change (MotV-Rice-95th)
- HB 486 Weight of vehicles; issuance of annual commercial wrecker emergency tow permits; provide qualifications (Trans-Roberts-155th)
- HB 487 Public health and morals; Georgia Lottery; correct a cross reference (Substitute)(RegI-Ramsey-72nd)
- HB 494 Mass transportation; installation of safety markers on utility lines to provide adequate visual warning in use of private airstrips; provide (Substitute)(Trans-Welch-110th)
- HB 499 Torts; payor guidelines and criteria under federal law shall not establish legal basis for negligence or standard of care for medical malpractice; provide (Substitute)(Judy-Sheldon-104th)

- HB 511 State employees' health insurance plan; pilot program to provide coverage for bariatric surgical procedures for treatment and management of obesity; provide (Substitute)(H&HS-Dempsey-13th)
- HB 512 Safe Carry Protection Act; enact (Substitute)(PS&HS-Jasperse-11th) (AM 29 2157)
- HB 517 Alcohol; local control of distance requirements of grocery stores and other licensees for retail sale of wine and malt beverages near college campuses; provide (Substitute)(RegI-Williams-119th)
- HR 73 Word, Mr. Lathan Rydell; compensate (App-Hugley-136th)
- HR 603 Community Health, Department of; collect and report certain data relating to bariatric surgical procedures; direct (H&HS-Dempsey-13th)

Structured Rule

- HB 69 Tax; amount payable for property at redemption; change provisions (Substitute)(W&M-Benton-31st)
- HB 197 Ad valorem tax; land subject to a forest land conservation use covenant; provide taxation (Substitute)(W&M-Powell-171st)
- HB 211 Motor fuel excise tax; public school systems under certain circumstances; exempt (Substitute)(W&M-Benton-31st)
- HB 399 Ad valorem tax; types of interests in real property may be subject to taxation; clarify (Substitute)(W&M-Knight-130th)

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

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

Representative Thomas of the 56th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

- 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 amend an Act providing a homestead exemption from Fulton County ad valorem taxes for county purposes in the amount of \$15,000.00 of the assessed value of the homestead for residents of that county, approved April 20, 1992 (Ga. L. 1992, p. 6583), as amended, particularly by an Act approved May 13, 2008 (Ga. L. 2008, p. 4010), so as to increase the exemption amount to \$60,000.00 after a three-year phase-in period; to provide for applicability; to provide for a referendum, effective

dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

On the motion, the ayes were 53, nays 106.

The motion was lost.

Representative Randall of the 142nd moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

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

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

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

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

On the motion, the ayes were 52, nays 105.

The motion was lost.

Representative Williams of the 168th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

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

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

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

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

On the motion, the ayes were 54, nays 107.

The motion was lost.

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

HB 233. By Representatives Dukes of the 154th, Greene of the 151st and Fullerton of the 153rd:

A BILL to be entitled an Act to authorize the governing authority of the City of Albany 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 470. By Representatives Randall of the 142nd, Dickey of the 140th, Peake of the 141st and Beverly of the 143rd:

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

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

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

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

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

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

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

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

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 amend an Act providing a homestead exemption from Fulton County ad valorem taxes for county purposes in the amount of \$15,000.00 of the assessed value of the homestead for residents of that county, approved April 20, 1992 (Ga. L. 1992, p. 6583), as amended, particularly by an Act approved May 13, 2008 (Ga. L. 2008, p. 4010), so as to increase the exemption amount to \$60,000.00 after a three-year phase-in period; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

SB 182. By Senator Lucas of the 26th:

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

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

SB 183. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act creating a Board of County Commissioners of Hancock County, approved October 5, 1885 (Ga. L. 1884-85, p. 435), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

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

HB 273. By Representatives Randall of the 142nd, Epps of the 144th, Dickey of the 140th, Peake of the 141st and Beverly of the 143rd:

A BILL to be entitled an Act to amend an Act establishing the State Court of Bibb County, formerly the City Court of Macon, approved August 14, 1885 (Ga. L. 1884-85, p. 470), as amended, so as to provide an additional judge for said court; to provide for the initial appointment of such additional judge by the Governor; to provide for the election and terms of office for the judges of said court; to provide for a chief judge of said court; to provide for the compensation of the judges of said court; to provide for the selection, terms of office, and compensation of the solicitor-general of said court; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act establishing the State Court of Bibb County, formerly the City Court of Macon, approved August 14, 1885 (Ga. L. 1884-85, p. 470), as amended, so as to provide an additional judge for said court; to provide for the initial appointment of such additional judge by the Governor; to provide for the election and terms of office for the judges of said court; to provide for a chief judge of said court; to provide for the compensation of the judges of said court; to provide for the selection, terms of office, and compensation of

the solicitor-general of said court; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing the State Court of Bibb County, formerly the City Court of Macon, approved August 14, 1885 (Ga. L. 1884-85, p. 470), as amended, is amended by revising Sections IV, V, and VI as follows:

"SECTION IV.

- (a) There shall be two full-time judges of the State Court of Bibb County who shall be selected as provided in this section.
- (b) The judge of the State Court of Bibb County in office on January 1, 2013, shall continue to serve the term of office to which said judge was elected until the election and qualification of a successor as provided by law.
- (c) The additional judge appointed as provided by this Act shall be appointed by the Governor for a term beginning July 1, 2013, and expiring December 31, 2014, and until a successor is elected and qualified. A successor to the additional judge shall be elected in a manner provided by Code Section 21-2-138, of the O.C.G.A. for the election of judges of the state courts of this state in 2014 for a term of four years beginning on January 1, 2015, and until the election and qualification of a successor. Future successors shall be elected each four years thereafter as provided by Code Section 21-2-138 of the O.C.G.A. for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the state courts of this state.
- (d) The judge of the State Court of Bibb County having the longest time in service as a judge of said court shall be the chief judge of the State Court of Bibb County. The chief judge shall have responsibility for the administration of the operations of the State Court of Bibb County, including, but not limited to, appointment of the clerk, budgeting, scheduling, and the policies, rules, and standing orders of the State Court of Bibb County.
- (e) The judges of the State Court of Bibb County shall receive as salary compensation an amount equal to 90 percent of the base salary paid to a judge in the superior courts by the state and, in addition, an amount equal to 90 percent of any county supplement paid to judges of the Superior Court of Bibb County. The chief judge of the State Court of Bibb County shall also be paid additional salary compensation in the amount of \$2,500.00. All of such compensation shall be paid from the funds of Bibb County and in like intervals and installments as salaries are paid to employees of Bibb County. In addition to the salary compensation provided for in this section, the governing authority of Bibb County shall pay on behalf of each judge of the State Court of Bibb County a

sum equal to the contribution required for judges by the Georgia Judicial Retirement System created by Chapter 23 of Title 47 of the O.C.G.A.

SECTION V.

The judges of the State Court of Bibb County shall have such qualifications, powers, and authority, and shall be subject to such restrictions and discipline, as provided by Chapter 7 of Title 15 of the O.C.G.A. for state court judges in the State of Georgia.

SECTION VI.

The solicitor-general of the State Court of Bibb County shall have such qualifications, powers, and authority, and shall be selected, as provided for by law for solicitors-general in the State of Georgia. The solicitor-general of said court shall receive as compensation an amount equal to 76 percent of the salary of the judges of the Superior Court of Bibb County paid by the state, and, in addition, an amount equal to 76 percent of the amount of any county supplement paid to the judges of the Superior Court of Bibb County. All of such compensation shall be paid from the funds of Bibb County and in like intervals and installments as salaries are paid to employees of Bibb County."

SECTION 2.

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

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

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

N Abrams	Y 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	E 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	E Stephenson
N Bennett	E Drenner	N Holcomb	N Oliver	N Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
E 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	N 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
N Brooks	Y Epps, C	Y Jasperse	Y Powell, J	N Thomas, A.M.
N Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	N Evans	N Jones, L	Y Quick	Y Turner

N Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	Floyd	N Jordan	Y Randall	N Waites
Y Caldwell, J	N Fludd	N Kaiser	Y 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	Fullerton	Kidd	Y Rogers, C	Y Weldon
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
Chapman	N Glanton	Y Lumsden	N Scott	Y Williams, A
Y Cheokas	E Golick	N Mabra	Y Setzler	Y Williams, C
Y Clark, J	Gordon	N Marin	N Sharper	N Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	N Mayo	Y Sims, B	Y Ralston, Speaker

On the passage of the Bills, and on the agreement to the Senate substitute, the ayes were 119, nays 45.

HB 233, HB 470, HB 476, HB 514, SB 182, and SB 183, having received the requisite constitutional majority, were passed, and the House has agreed to the Senate substitute.

HB 541, having failed to receive the requisite constitutional majority, was lost.

House of Representatives
Coverdell Legislative Office Building
Room 509
Atlanta, Georgia 30334

Dear Robbie

It is my intent to change my N vote to Y on HB 470.

/s/ James Beverly
James Beverly 143

Representative Lindsey of the 54th gave notice that at the proper time he would move that the House reconsider its action in giving the requisite constitutional majority to HB 233, HB 470, HB 476, HB 514, SB 182, and SB 183; in failing to give the requisite constitutional majority to HB 541; and in agreeing to the Senate substitute to HB 273.

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:

- SB 1. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Shafer of the 48th, Cowsert of the 46th and Albers of the 56th:

A BILL to be entitled an Act to amend Title 33 and Title 19 of the Official Code of Georgia Annotated, relating respectively to insurance and domestic relations, so as to provide that both parents shall have equal access to the child's health insurance information and records; to provide for exceptions; to provide for parenting plans to include that both parents have access to health insurance information and records; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 99. By Senators Hill of the 32nd, Gooch of the 51st, Staton of the 18th, Chance of the 16th, Loudermilk of the 14th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the county special purpose local option sales tax, so as to allow such taxes to be imposed at a rate of less than 1 percent; to provide for the simultaneous levy of more than one tax under such part if the combined rate of such taxes does not exceed 1 percent; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 116. By Senators Thompson of the 5th, Stone of the 23rd, Unterman of the 45th, Tate of the 38th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Code Section 40-6-393 of the Official Code of Georgia Annotated, relating to homicide by vehicle, so as to increase the penalty for homicide by vehicle in the second degree from a misdemeanor to a misdemeanor of a high and aggravated nature; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

- SB 145. By Senators Heath of the 31st, Williams of the 19th and Harper of the 7th:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to add farm weddings to the definition of agritourism; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 155. By Senators Gooch of the 51st, Cowser of the 46th, Ginn of the 47th, Murphy of the 27th, Wilkinson of the 50th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to change the membership of the Georgia Higher Education Assistance Corporation to accommodate the Fourteenth Congressional District; to change the membership of the Georgia Student Finance Authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 163. By Senators Ligon, Jr. of the 3rd, Albers of the 56th, Millar of the 40th, Loudermilk of the 14th, McKoon of the 29th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require the Department of Community Health to study and identify options for Medicaid reform; to provide for a report on findings and recommendations; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 181. By Senators Bethel of the 54th, Chance of the 16th, Thompson of the 33rd and Staton of the 18th:

A BILL to be entitled an Act to amend Code Section 1-4-3 of the Official Code of Georgia Annotated, relating to American History Month and Georgia History Month, so as to declare September of each year to be Georgia History Month; to repeal conflicting laws; and for other purposes.

- SB 185. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Article 9 of Title 11 of the O.C.G.A., relating to secured transactions, so as to modernize the article; to change and provide for definitions; to amend Code Section 33-10-1 of the Official Code of Georgia Annotated, relating to assets considered in determining financial condition of insurers, generally, so as to correct a cross-reference; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 204. By Senators Cowser of the 46th and McKoon of the 29th:

A BILL to be entitled an Act to amend Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to judgments and rulings deemed directly appealable, procedure for review of judgments, orders, or decisions not

subject to direct appeal, scope of review, and hearings in criminal cases involving a capital offense for which death penalty is sought, so as to limit the scope of judgments or orders in child custody cases which are subject to direct appeal; to repeal conflicting laws; and for other purposes.

- SB 207. By Senators Albers of the 56th, Stone of the 23rd, McKoon of the 29th, Shafer of the 48th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation of first offenders, so as to add private home care providers to the list of persons who may be disqualified from employment when discharged as a felony offender under a first offender plea; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 212. By Senators Mullis of the 53rd, Tippins of the 37th, Miller of the 49th, Butler of the 55th, Millar of the 40th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to require schools to provide training in cardiopulmonary resuscitation and the use of an automated external defibrillator for students in grades seven through 12; to provide for a definition; to provide for requirements; to provide for monitoring; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 216. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, so as to provide that the medical director of an emergency service provider may contract with more than one pharmacy as a provider of drugs and consultant services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 224. By Senators Golden of the 8th, Shafer of the 48th and Chance of the 16th:

A BILL to be entitled an Act to amend Chapter 10 of Title 10 of the Official Code of Georgia Annotated, relating to the Seed-Capital Fund, so as to create the Invest Georgia Fund; to provide for legislative findings; to provide for definitions; to provide for a fund administrator; to provide for reports; to provide for conditions, procedures, and limitations; to provide for related

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

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

SR 378. By Senators Mullis of the 53rd, Staton of the 18th, Miller of the 49th, Albers of the 56th, Wilkinson of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly may provide by law for the dedication of revenues collected from the sale of fireworks for the funding of trauma care and firefighter services in the State of Georgia; to provide that the General Assembly may provide by law for the dedication and deposit of revenues raised from specified sources for the purpose of funding trauma care and firefighter services; to provide that such funds shall not lapse; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

SB 1. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Shafer of the 48th, Cowser of the 46th and Albers of the 56th:

A BILL to be entitled an Act to amend Title 33 and Title 19 of the Official Code of Georgia Annotated, relating respectively to insurance and domestic relations, so as to provide that both parents shall have equal access to the child's health insurance information and records; to provide for exceptions; to provide for parenting plans to include that both parents have access to health insurance information and records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 99. By Senators Hill of the 32nd, Gooch of the 51st, Staton of the 18th, Chance of the 16th, Loudermilk of the 14th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the county special purpose local option sales tax, so as to allow such taxes to be imposed at a rate of less than 1 percent; to provide for the simultaneous levy of more than one tax under such part if the combined rate of such taxes does not

exceed 1 percent; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

SB 116. By Senators Thompson of the 5th, Stone of the 23rd, Unterman of the 45th, Tate of the 38th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Code Section 40-6-393 of the Official Code of Georgia Annotated, relating to homicide by vehicle, so as to increase the penalty for homicide by vehicle in the second degree from a misdemeanor to a misdemeanor of a high and aggravated nature; 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 Judiciary Non-Civil.

SB 145. By Senators Heath of the 31st, Williams of the 19th and Harper of the 7th:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to add farm weddings to the definition of agritourism; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

SB 155. By Senators Gooch of the 51st, Cowser of the 46th, Ginn of the 47th, Murphy of the 27th, Wilkinson of the 50th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to change the membership of the Georgia Higher Education Assistance Corporation to accommodate the Fourteenth Congressional District; to change the membership of the Georgia Student Finance Authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 163. By Senators Ligon, Jr. of the 3rd, Albers of the 56th, Millar of the 40th, Loudermilk of the 14th, McKoon of the 29th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require the Department of Community Health to study and identify options for Medicaid reform; to provide for a report on findings and recommendations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 181. By Senators Bethel of the 54th, Chance of the 16th, Thompson of the 33rd and Staton of the 18th:

A BILL to be entitled an Act to amend Code Section 1-4-3 of the Official Code of Georgia Annotated, relating to American History Month and Georgia History Month, so as to declare September of each year to be Georgia History Month; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

SB 185. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Article 9 of Title 11 of the O.C.G.A., relating to secured transactions, so as to modernize the article; to change and provide for definitions; to amend Code Section 33-10-1 of the Official Code of Georgia Annotated, relating to assets considered in determining financial condition of insurers, generally, so as to correct a cross-reference; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 204. By Senators Cowsert of the 46th and McKoon of the 29th:

A BILL to be entitled an Act to amend Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to judgments and rulings deemed directly appealable, procedure for review of judgments, orders, or decisions not subject to direct appeal, scope of review, and hearings in criminal cases involving a capital offense for which death penalty is sought, so as to limit the scope of judgments or orders in child custody cases which are subject to direct appeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- SB 207. By Senators Albers of the 56th, Stone of the 23rd, McKoon of the 29th, Shafer of the 48th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation of first offenders, so as to add private home care providers to the list of persons who may be disqualified from employment when discharged as a felony offender under a first offender plea; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- SB 212. By Senators Mullis of the 53rd, Tippins of the 37th, Miller of the 49th, Butler of the 55th, Millar of the 40th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to require schools to provide training in cardiopulmonary resuscitation and the use of an automated external defibrillator for students in grades seven through 12; to provide for a definition; to provide for requirements; to provide for monitoring; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- SB 216. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, so as to provide that the medical director of an emergency service provider may contract with more than one pharmacy as a provider of drugs and consultant services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 224. By Senators Golden of the 8th, Shafer of the 48th and Chance of the 16th:

A BILL to be entitled an Act to amend Chapter 10 of Title 10 of the Official Code of Georgia Annotated, relating to the Seed-Capital Fund, so as to create the Invest Georgia Fund; to provide for legislative findings; to provide for definitions; to provide for a fund administrator; to provide for reports; to provide for conditions, procedures, and limitations; to provide for related

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

Referred to the Committee on Ways & Means.

SR 378. By Senators Mullis of the 53rd, Staton of the 18th, Miller of the 49th, Albers of the 56th, Wilkinson of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly may provide by law for the dedication of revenues collected from the sale of fireworks for the funding of trauma care and firefighter services in the State of Georgia; to provide that the General Assembly may provide by law for the dedication and deposit of revenues raised from specified sources for the purpose of funding trauma care and firefighter services; to provide that such funds shall not lapse; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Appropriations.

The Speaker Pro Tem assumed the Chair.

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

Representatives Coomer of the 14th, Williams of the 168th, Benton of the 31st, Waites of the 60th, Neal of the 2nd, and Thomas of the 56th.

The Speaker assumed the Chair.

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

HB 454. By Representatives Martin of the 49th, Lindsey of the 54th and Abrams of the 89th:

A BILL to be entitled an Act to amend Code Section 45-12-75 of the Official Code of Georgia Annotated, relating to the contents and form of the budget report, so as to require certain items to be included in the tax expenditure review; 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	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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	E Stephenson
Y Bennett	E Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	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
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	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
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 163, nays 0.

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

HB 402. By Representatives Stephens of the 164th and Spencer of the 180th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to coastal waters, beaches, and sand dunes, so as to revise various provisions relative to shore protection

and coastal marshlands protection; to revise and add definitions; to establish authority and powers of the Department of Natural Resources; to revise provisions relating to permit activities and procedures; to repeal provisions relating to local shore assistance programs; to provide for marine contractor licenses; to repeal provisions relating to the leasing of state-owned marshland or water bottoms; to provide for applicability; to strike obsolete language and correct cross-references; 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 Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to coastal waters, beaches, and sand dunes, so as to revise and add definitions; to establish authority of the Department of Natural Resources to issue letters of permission; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to coastal waters, beaches, and sand dunes, is amended in Code Section 12-5-232, relating to definitions relative to shore protection, by adding three new paragraphs to read as follows:

"(6.1) 'Commissioner' means the commissioner of natural resources."

"(9.1) 'Letter of permission' means written authorization from the department to conduct a proposed activity in an area subject to the jurisdiction of this part, provided such activity is either within the physical perimeter of an existing serviceable project or involves the construction and removal of a project or other temporary activity that concludes within six months, inclusive of the time needed to return all affected areas to a condition approximate to, or better than, that which existed before commencement of the activity."

"(16.1) 'Serviceable' means usable as is or with only minor maintenance, but not so degraded as to essentially require reconstruction, as determined by the department."

SECTION 2.

Said article is further amended in Code Section 12-5-234, relating to the powers and duties of the department relative to shore protection, by revising subsection (a) as follows:

"(a) The department shall have the following authority:

- (1) To administer and enforce this part and all rules, regulations, and orders issued pursuant to this part;
- (2) To accept moneys from persons, government units, and private organizations;
- (3) To conduct public hearings and to institute and to prosecute court actions as may be necessary to enforce compliance with this part and any rules and regulations promulgated pursuant to this part; provided, however, that all such actions shall be in the name of the department;
- (4) To make reasonable inspections of the lands within jurisdiction of this part to ascertain whether the requirements of this part and the rules, regulations, and permits promulgated or issued pursuant to this part are faithfully complied with; ~~and~~
- (5) To issue letters of permission and impose a reasonable fee for processing such letters of permission; and
- ~~(5)(6)~~ (6) To exercise all incidental powers necessary to carry out the purposes of this part."

SECTION 3.

Said article is further amended by revising Code Section 12-5-237, relating to required permits for shoreline construction, to read as follows:

"12-5-237.

(a) No person shall construct or erect any structure or construct, erect, conduct, or engage in any shoreline engineering activity or engage in any land alteration which alters the natural topography or vegetation of any area within the jurisdiction of this part, except in accordance with the terms and conditions of a permit therefor issued in accordance with this part. A permit may authorize the construction or maintenance of the project proposed in an application. After construction of a project pursuant to a permit, the project may be maintained without a an additional permit so long as it does not further alter the natural topography or vegetation of the site or increase the size or scope of the project, and remains in serviceable condition.

(b)(1) No permit shall be required for a structure, shoreline engineering activity, or land alteration which exists as of July 1, 1979, provided that a permit must be obtained for any modification which will have a greater adverse effect on the sand-sharing system or for any addition to or extension of such shoreline engineering activity, structure, or land alteration; provided, further, that, if any structure, shoreline engineering activity, or land alteration is more than 80 percent destroyed by wind, water, or erosion as determined by an appraisal of the fair market value by a real estate appraiser certified pursuant to Chapter 39A of Title 43, a permit is required for reconstruction.

(2) No permit shall be required for any activity conducted pursuant to a letter of permission. At least 15 days prior to the commencement of any activity authorized pursuant to a letter of permission, the department shall provide public notice describing such activity and the location thereof; provided, however, that public notice shall not be required for any such activity that is necessary for public safety or the delivery of public services."

SECTION 4.

Said article is further amended in Code Section 12-5-282, relating to definitions relative to coastal marshlands, by adding two new paragraphs to read as follows:

"(7.1) 'Letter of permission' means written authorization from the department to conduct a proposed activity in an area subject to the jurisdiction of this part, provided such activity is either within the physical perimeter of an existing serviceable project or involves the construction and removal of a project or other temporary activity that concludes within six months, inclusive of the time needed to return all affected areas to a condition approximate to, or better than, that which existed prior to the commencement of such activity."

"(13) 'Serviceable' means usable as is or with only minor maintenance but not so degraded as to essentially require reconstruction, as determined by the department."

SECTION 5.

Said article is further amended in Code Section 12-5-284, relating to the authority of the Department of Natural Resources relative to coastal marshlands generally, by revising subsection (a) as follows:

"(a) The department shall have the following authority:

(1) To administer and enforce this part and all rules, regulations, and orders promulgated under this part and to determine jurisdiction under this part;

(2) To accept moneys that are available from persons, government units, and private organizations;

(3) To conduct public hearings and institute and prosecute court actions as may be necessary to enforce compliance with this part and any rules and regulations promulgated hereunder, provided that all such actions shall be in the name of the department; ~~and~~

(4) To issue letters of permission and impose a reasonable fee for processing such letters of permission; and

~~(4)~~(5) To exercise all incidental powers necessary to carry out the purposes of this part."

SECTION 6.

Said article is further amended in Code Section 12-5-286, relating to permit requirements and procedures, by revising subsection (a) as follows:

"(a)(1) No person shall remove, fill, dredge, drain, or otherwise alter any marshlands or construct or locate any structure on or over marshlands in this state within the estuarine area thereof without first obtaining a permit from the committee or, in the case of minor alteration of marshlands, the commissioner. A permit may authorize the construction or maintenance of the project proposed in an application. After construction pursuant to a permit, a project may be maintained without a an additional permit so long as it does not further alter the natural topography or vegetation at the project site and remains in serviceable condition.

(2) No permit shall be required for any activity conducted pursuant to a letter of permission. At least 15 days prior to the commencement of any activity authorized pursuant to a letter of permission, the department shall provide public notice describing such activity and the location thereof; provided, however, that public notice shall not be required for any such activity that is necessary for public safety or the delivery of public services."

SECTION 7.

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

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

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

Y Abrams	Y Coomer	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	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E Mosby	Y Smyre
Y Barr	Dickey	Y Henson	Y 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	Y Hitchens	Y Nix	E Stephenson
Y Bennett	Y Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Talton
Y Beverly	Y Dunahoo	Y 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	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	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
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	E 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 160, nays 0.

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

HB 238. By Representatives Maxwell of the 17th, Battles of the 15th, Coleman of the 97th, Benton of the 31st, Riley of the 50th and others:

A BILL to be entitled an Act to amend Code Section 47-4-101 of the Official Code of Georgia Annotated, relating to retirement benefits payable under the Public School Employees Retirement System, so as to clarify certain provisions relating to a limitation on the maximum level of retirement benefits; 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 Code Section 47-7-60 of the Official Code of Georgia Annotated, relating to dues required of members of the Georgia Firefighters' Pension Fund and effect of failure to pay dues in a timely manner, so as to change the amount of dues required; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-7-60 of the Official Code of Georgia Annotated, relating to dues required of members of the Georgia Firefighters' Pension Fund and effect of failure to pay dues in a timely manner, is amended by revising subsection (a) as follows:

"(a) Each firefighter or volunteer firefighter accepted for membership in the fund shall pay to the fund the sum of ~~\$15.00~~ \$25.00 for each month of service as a firefighter or volunteer firefighter in a fire department. Such monthly payments shall be due on or before the tenth day of each month of service."

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	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	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E Mosby	Y Smyre
Y Barr	Y Dickey	Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	E Stephenson
Y Bennett	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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y 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
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	E 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 163, nays 0.

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

HB 78. By Representatives Willard of the 51st, Jones of the 47th, Lindsey of the 54th, Abrams of the 89th, Cooper of the 43rd and others:

A BILL to be entitled an Act to amend Title 16, Code Section 24-13-130, Chapter 5 of Title 30, and Article 4 of Chapter 8 of Title 31 of the O.C.G.A., relating to crimes and offenses, when depositions to preserve testimony in

criminal proceedings may be taken, protection of disabled adults and elder persons, and reporting abuse or exploitation of residents in long-term care facilities; to change provisions relating to cruelty to a person 65 years of age or older; to prohibit exploitation of disabled adults, elder persons, and residents; to move relevant criminal penalties from Title 30 into Title 16; to amend Code Section 17-17-3, Title 31, Chapter 3 of Title 35, and Code Sections 42-8-63.1 and 49-2-14.1 of the O.C.G.A., so as to provide for conforming cross-references; 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 16, Code Section 24-13-130, Chapter 5 of Title 30, and Article 4 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to crimes and offenses, when depositions to preserve testimony in criminal proceedings may be taken, protection of disabled adults and elder persons, and reporting abuse or exploitation of residents in long-term care facilities, respectively, so as to expand protection of disabled adults and elder persons; to provide for and revise definitions; to change provisions relating to cruelty to a person 65 years of age or older; to prohibit exploitation of disabled adults, elder persons, and residents; to provide for exceptions to criminal liability; to provide for investigatory powers; to expand the right to take a deposition in criminal proceedings under certain circumstances; to apply provisions relating to the protection of elder persons from exploitation to elder persons who are residents in long-term care facilities; to expand reporting requirements for persons in need of protective services and for reporting abuse or exploitation in long-term care facilities; to expand the cooperative development of certain education and training programs; to move relevant criminal penalties from Title 30 into Title 16; to amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse, so as to include physician assistants as mandatory reporters; to amend Code Section 17-17-3, Title 31, Chapter 3 of Title 35, and Code Sections 42-8-63.1 and 49-2-14.1 of the Official Code of Georgia Annotated, relating to definitions, health, the Georgia Bureau of Investigation, discharging disqualifying individuals from employment, and records check requirements for licensing certain child welfare agencies, respectively, so as to provide for conforming cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
ELDER PROTECTION MODERNIZATION

SECTION 1-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Article 8 of Chapter 5, relating to the protection of elder persons, as follows:

"ARTICLE 8**16-5-100.**

As used in this article, the term:

(1) 'Alzheimer's disease' means a progressive, degenerative disease or condition that attacks the brain and results in impaired memory, thinking, and behavior.

(2) 'Dementia' means:

(A) An irreversible global loss of cognitive function causing evident intellectual impairment which always includes memory loss, without alteration of state of consciousness, as diagnosed by a physician, and is severe enough to interfere with work or social activities, or both, and to require at least intermittent care or supervision; or

(B) The comatose state of an adult resulting from any head injury.

(3) 'Disabled adult' means a person 18 years of age or older who is mentally or physically incapacitated or has Alzheimer's disease or dementia.

(4) 'Elder person' means a person 65 years of age or older.

(5) 'Essential services' means social, medical, psychiatric, or legal services necessary to safeguard a disabled adult's, elder person's, or resident's rights and resources and to maintain the physical and mental well-being of such person. Such services may include, but not be limited to, the provision of medical care for physical and mental health needs, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, and protection from health and safety hazards.

(6) 'Exploit' means illegally or improperly using a disabled adult or elder person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one's own or another person's profit or advantage.

(7) 'Long-term care facility' means any skilled nursing facility, intermediate care home, assisted living community, community living arrangement, or personal care home subject to regulation and licensure by the Department of Community Health.

(8) 'Resident' means any person who is receiving treatment or care in any long-term care facility.

(9) 'Sexual abuse' means the coercion for the purpose of self-gratification by a guardian or other person supervising the welfare or having immediate charge, control, or custody of a disabled adult, elder person, or resident to engage in any of the following conduct:

(A) Lewd exhibition of the genitals or pubic area of any person;

(B) Flagellation or torture by or upon a person who is unclothed or partially unclothed;

(C) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is unclothed or partially clothed unless physical restraint is medically indicated;

(D) Physical contact in an act of sexual stimulation or gratification with any person's unclothed genitals, pubic area, or buttocks or with a female's nude breasts;

(E) Defecation or urination for the purpose of sexual stimulation of the viewer; or

(F) Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure.

~~16-5-100.~~ 16-5-101.

(a) A guardian or other person supervising the welfare of or having immediate charge, control, or custody of a ~~person who is 65 years of age or older~~ disabled adult, elder person, or resident commits the offense of cruelty to a ~~person who is 65 years of age or older~~ disabled adult, elder person, or resident when the person willfully deprives a ~~person who is 65 years of age or older~~ disabled adult, elder person, or resident of health care, shelter, or necessary sustenance to the extent that the health or well-being of a ~~person who is 65 years of age or older~~ such person is jeopardized or willfully inflicts physical pain, physical injury, sexual abuse, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult, elder person, or resident.

(b) The provisions of this Code section shall not apply to a physician nor any person acting under a physician's direction nor to a hospital, ~~skilled nursing facility~~, hospice, or long-term care facility, nor any agent or employee thereof who is in good faith ~~following a course of treatment developed in accordance with accepted medical standards acting within the scope of his or her employment or agency~~ or who is acting in good faith in accordance with a living will, a durable power of attorney for health care, an advance directive for health care, an order not to resuscitate, or the instructions of the patient or the patient's lawful surrogate decision maker, nor shall the provisions of this Code section require any physician, any institution licensed in accordance with Chapter 7 of Title 31, or any employee or agent thereof to provide ~~health care~~ essential services or shelter to any person in the absence of another legal obligation to do so.

~~(b.1)~~(c) The provisions of this Code section shall not apply to a guardian or other person supervising the welfare of or having immediate charge, ~~or control, or custody~~ of a ~~person who is 65 years of age or older~~ disabled adult, elder person, or resident who in good faith provides treatment by spiritual means alone through prayer for the person's physical or mental condition, in lieu of medical treatment, in accordance with the practices of and written notarized consent of the person.

~~(e)~~(d) A person ~~convicted of who commits~~ the offense of cruelty to a ~~person who is 65 years of age or older as provided in this Code section~~ disabled adult, elder person, or resident of a long-term care facility, upon conviction, shall be punished by

imprisonment for not less than one nor more than 20 years, a fine of not more than \$50,000.00, or both.

16-5-102.

(a) Any person who knowingly and willfully exploits a disabled adult, elder person, or resident shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than 20 years, a fine of not more than \$50,000.00, or both.

(b) Any person who threatens, intimidates, or attempts to intimidate a disabled adult, elder person, or resident who is the subject of a report made pursuant to Chapter 5 of Title 30 or Article 4 of Chapter 8 of Title 31, a witness, or any other person cooperating with an investigation conducted pursuant to this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

(c) Any person who willfully and knowingly obstructs or in any way impedes an investigation conducted pursuant to Chapter 5 of Title 30 or Article 4 of Chapter 8 of Title 31, upon conviction, shall be guilty of a misdemeanor of a high and aggravated nature.

16-5-103.

An owner, officer, administrator, board member, employee, or agent of a long-term care facility shall not be held criminally liable for the actions of another person who is convicted pursuant to this article unless such owner, officer, administrator, board member, employee, or agent has failed in his or her duty to provide essential services to a disabled adult, elder person, or resident.

16-5-104.

This article shall be cumulative and supplemental to any other law of this state."

SECTION 1-2.

Said title is further amended by revising subsection (a) of Code Section 16-9-108, relating to investigative and subpoena powers of district attorney and the Attorney General, as follows:

"(a) In any investigation of a violation of this article or any investigation of a violation of Code Section 16-12-100, 16-12-100.1, 16-12-100.2, 16-5-90, Article 8 of Chapter 5 of this title, or Article 8 of ~~Chapter 9 of Title 16~~ this chapter involving the use of a computer in furtherance of the act, the Attorney General or any district attorney shall have the power to administer oaths; to call any party to testify under oath at such investigation; to require the attendance of witnesses and the production of books, records, and papers; and to take the depositions of witnesses. The Attorney General or any such district attorney is authorized to issue a subpoena for any witness or a subpoena to compel the production of any books, records, or papers."

SECTION 1-3.

Said title is further amended by revising subsection (a) of Code Section 16-9-109, relating to disclosures by service providers pursuant to investigations, as follows:

"(a) Any law enforcement unit, the Attorney General, or any district attorney who is conducting an investigation of a violation of this article or an investigation of a violation of Code Section 16-12-100, 16-12-100.1, 16-12-100.2, or 16-5-90, Article 8 of Chapter 5 of this title, or Article 8 of this chapter involving the use of a computer, cellular telephone, or any other electronic device used in furtherance of the act may require the disclosure by a provider of electronic communication service or remote computing service of the contents of a wire or electronic communication that is in electronic storage in an electronic communications system for 180 days or less pursuant to a search warrant issued under the provisions of Article 2 of Chapter 5 of Title 17 by a court with jurisdiction over the offense under investigation. Such court may require the disclosure by a provider of electronic communication service or remote computing service of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days as set forth in subsection (b) of this Code section."

SECTION 1-4.

Code Section 24-13-130 of the Official Code of Georgia Annotated, relating to when depositions to preserve testimony in criminal proceedings may be taken, is amended by revising subsections (b) and (c) as follows:

"(b) The court shall not order the taking of the witness's testimony, except as provided in paragraph (2) of subsection (a) of this Code section, unless it appears to the satisfaction of the court that the testimony of the witness is material to the proceeding and the witness:

- (1) Is in imminent danger of death or great bodily harm;
- (2) Has been threatened with death or great bodily harm because of the witness's status as a potential witness in a criminal trial or proceeding;
- (3) Is about to leave this state, and there are reasonable grounds to believe that such witness will be unable to attend ~~the~~ a criminal trial or proceeding;
- (4) Is so sick or infirm as to afford reasonable grounds to believe that such witness will be unable to ~~attend the~~ testify as a witness at a criminal trial or proceeding; ~~or~~
- (5) Is being detained as a material witness, and there are reasonable grounds to believe that the witness will flee if released from detention; or
- (6) Is 72 years of age or older.

(c) A motion to take a deposition of a material witness, or a physician as provided in paragraph (2) of subsection (a) of this Code section, shall be verified and shall state:

- (1) The nature of the offense charged;
- (2) The status of the criminal proceedings;
- (3) The name of the witness and an address in Georgia where the witness may be contacted unless, for good cause shown, the court allows an exception to this paragraph;

- (4) That the testimony of the witness is material to the proceeding or that the witness is a physician as provided in paragraph (2) of subsection (a) of this Code section; and
 (5) The basis for taking the deposition as provided in subsection (b) of this Code section."

SECTION 1-5.

Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to protection of disabled adults and elder persons, is amended by revising Code Section 30-5-3, relating to definitions for the chapter, as follows:

"30-5-3.

As used in this chapter, the term:

(1) 'Abuse' means the willful infliction of physical pain, physical injury, sexual abuse, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person.

(2) 'Caretaker' means a person who has the responsibility for the care of a disabled adult or elder person as a result of family relationship, contract, voluntary assumption of that responsibility, or by operation of law.

~~(3) 'Court' means the probate court for the county of residence of the disabled adult or elder person or the county in which such person is found. In any case in which the judge of the probate court is unable to hear a case brought under this chapter within the time required for such hearing, such judge shall appoint a person to serve and exercise all the jurisdiction of the probate court in such case. Any person so appointed shall be a member of the State Bar of Georgia and be otherwise qualified for his or her duties by training and experience. Such appointment may be made on a case by case basis or by making a standing appointment of one or more persons. Any person receiving such standing appointment shall serve at the pleasure of the judge making the appointment or said judge's successor in office to hear such cases if and when necessary. The compensation of a person so appointed shall be as agreed upon by the judge who makes the appointment and the person appointed, with the approval of the governing authority of the county for which such person is appointed, and shall be paid from the county funds of such county. All fees collected for the services of such appointed person shall be paid into the general funds of the county served.~~

~~(4)~~(3) 'Department' means the Department of Human Services.

~~(5)~~(4) 'Director' means the director of the Division of Aging Services of the Department of Human Services, or the director's designee.

~~(6)~~(5) 'Disabled adult' means a person 18 years of age or older who is not a resident of a long-term care facility, as defined in Article 4 of Chapter 8 of Title 31, but who is mentally or physically incapacitated or has Alzheimer's disease, as defined in Code Section 31-8-180, or dementia, as defined in Code Section ~~49-6-72~~ 16-5-100.

~~(7) 'Disabled adult in need of protective services' means a disabled adult who is subject to abuse, neglect, or exploitation as a result of that adult's mental or physical incapacity.~~

~~(7.1)~~(6) 'Elder person' means a person 65 years of age or older who is not a resident of a long-term care facility as defined in Article 4 of Chapter 8 of Title 31.

~~(8)~~(7) 'Essential services' means social, medical, psychiatric, or legal services necessary to safeguard the disabled adult's or elder person's rights and resources and to maintain the physical and mental well-being of such person. These services shall include, but not be limited to, the provision of medical care for physical and mental health needs, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, and protection from health and safety hazards but shall not include the taking into physical custody of a disabled adult or elder person without that person's consent.

~~(9)~~(8) 'Exploitation' means the illegal or improper use of a disabled adult or elder person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one's own or another's profit or advantage.

~~(10)~~(9) 'Neglect' means the absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a disabled adult or elder person.

~~(11)~~(10) 'Protective services' means services necessary to protect a disabled adult or elder person from abuse, neglect, or exploitation. Such services shall include, but not be limited to, evaluation of the need for services and mobilization of essential services on behalf of a disabled adult or elder person.

(11) 'Sexual abuse' means the coercion for the purpose of self-gratification by a guardian or other person supervising the welfare or having immediate charge, control, or custody of a disabled adult or elder person to engage in any of the following conduct:

(A) Lewd exhibition of the genitals or pubic area of any person;

(B) Flagellation or torture by or upon a person who is unclothed or partially unclothed;

(C) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is unclothed or partially clothed unless physical restraint is medically indicated;

(D) Physical contact in an act of sexual stimulation or gratification with any person's unclothed genitals, pubic area, or buttocks or with a female's nude breasts;

(E) Defecation or urination for the purpose of sexual stimulation of the viewer; or

(F) Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure."

SECTION 1-6.

Said chapter is further amended by revising subsection (a) and paragraph (1) of subsection (b) and adding a new subsection to Code Section 30-5-4, relating to reporting of the need for protective services, to read as follows:

"(a)(1)(A) The following persons ~~Any physician, osteopath, intern, resident, other hospital or medical personnel, dentist, psychologist, chiropractor, podiatrist,~~

~~pharmacist, physical therapist, occupational therapist, licensed professional counselor, nursing personnel, social work personnel, day care personnel, coroner, medical examiner, employee of a public or private agency engaged in professional health related services to elder persons or disabled adults, or law enforcement personnel~~ having reasonable cause to believe that a disabled adult or elder person has ~~had a physical injury or injuries inflicted upon such disabled adult or elder person~~ been the victim of abuse, other than by accidental means, or has been neglected or exploited shall report or cause reports to be made in accordance with the provisions of this Code section:

(i) Any person required to report child abuse as provided in subsection (c) of Code Section 19-7-5;

(ii) Physical therapists;

(iii) Occupational therapists;

(iv) Day-care personnel;

(v) Coroners;

(vi) Medical examiners;

(vii) Emergency medical services personnel, as such term is defined in Code Section 31-11-49;

(viii) Any person who has been certified as an emergency medical technician, cardiac technician, paramedic, or first responder pursuant to Chapter 11 of Title 31;

(ix) Employees of a public or private agency engaged in professional health related services to elder persons or disabled adults; and

(x) Clergy members.

(B) ~~Any Except as provided in this paragraph, any~~ employee of a financial institution, as defined in Code Section 7-1-4, having reasonable cause to believe that a disabled adult or elder person has been exploited shall report or cause reports to be made in accordance with the provisions of this Code section; provided, however, that this obligation shall not apply to any employee of a financial institution while that employee is acting as a fiduciary, as defined in Code Section 7-1-4, but only for such assets that the employee is holding or managing in a fiduciary capacity.

(C) When the person having a reasonable cause to believe that a disabled adult or elder person is in need of protective services performs services as a member of the staff of a hospital, social agency, financial institution, or similar facility, such person shall notify the person in charge of the facility and such person or that person's designee shall report or cause reports to be made in accordance with the provisions of this Code section.

(2) Any other person having a reasonable cause to believe that a disabled adult or elder person is in need of protective services, or has been the victim of abuse, neglect, or exploitation may report such information as provided in this Code section.

(b)(1) A report that a disabled adult or elder person who is not a resident of a long-term care facility as defined in Code Section ~~31-8-80~~ 31-8-81 is in need of protective services or has been the victim of abuse, neglect, or exploitation shall be made to an

adult protection agency providing protective services, as designated by the department ~~or, if such agency is unavailable, and~~ to an appropriate law enforcement agency or prosecuting attorney. If a report of a disabled adult or elder person abuse or exploitation is made to an adult protection agency or independently discovered by the agency ~~and the agency has reasonable cause to believe such report is true~~, then the agency shall immediately notify the appropriate law enforcement agency or prosecuting attorney. If the disabled adult or elder person is a resident of a long-term care facility as defined in Code Section ~~31-8-80~~ 31-8-81, a report shall be made in accordance with Article 4 of Chapter 8 of Title 31. If a report made in accordance with the provisions of this Code section alleges that the abuse or exploitation occurred within a long-term care facility, such report shall be investigated in accordance with Articles 3 and 4 of Chapter 8 of Title 31."

"(d) Any suspected abuse, neglect, exploitation, or need for protective services which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse, neglect, exploitation, or need for protective services has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report such matters confided to him or her solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about abuse, neglect, exploitation, or the need for protective services from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of such matters from the confession of the perpetrator."

SECTION 1-7.

Said chapter is further amended by revising Code Section 30-5-5, relating to investigation of reports of need for protective services, by adding new subsections to read as follows:

"(i) In any case in which the judge of the court is unable to hear a case brought under this chapter within the time required for such hearing, such judge shall appoint a person to serve and exercise all the jurisdiction of the court in such case. Any person so appointed shall be a member of the State Bar of Georgia and be otherwise qualified for his or her duties by training and experience. Such appointment may be made on a case-by-case basis or by making a standing appointment of one or more persons. Any person receiving such standing appointment shall serve at the pleasure of the judge making the appointment or said judge's successor in office to hear such cases if and when necessary. The compensation of a person so appointed shall be as agreed upon by the judge who makes the appointment and the person appointed, with the approval of the governing authority of the county for which such person is appointed, and shall be paid from the county funds of such county. All fees collected for the services of such appointed person shall be paid into the general funds of the county served."

(j) As used in this Code section, the term 'court' means the probate court for the county of residence of the disabled adult or elder person or the county in which such person is found."

SECTION 1-8.

Said chapter is further amended by revising Code Section 30-5-7, relating to confidentiality of public records, as follows:

"30-5-7.

All records pertaining to the abuse, neglect, or exploitation of disabled adults or elder persons in the custody of the department shall be confidential; and access thereto by persons other than the department, the director, or the district attorney shall only be by valid subpoena or order of any court of competent jurisdiction. Nothing in this Code section shall be construed to deny ~~state~~ agencies participating in joint investigations at the request of and with the department, or conducting separate investigations of abuse or exploitation within an agency's scope of authority, or ~~to deny~~ law enforcement personnel who are conducting an investigation into any criminal offense in which ~~an a~~ a disabled adult or elder person is a victim from having access to such records."

SECTION 1-9.

Said chapter is further amended by revising Code Section 30-5-8, relating to criminal offenses and penalties, as follows:

"30-5-8.

~~(a)(1)(A) In addition to any other provision of law, the abuse or exploitation of any disabled adult or elder person shall be unlawful.~~

~~(B) In addition to any other provision of law, the neglect of any disabled adult or elder person by a guardian, caretaker, or other person supervising the welfare of or having immediate charge or custody of such disabled adult or elder person shall be unlawful.~~

~~(2) In addition to any other provision of law, it shall be unlawful for a person to act with the specific intent to abuse, neglect, or commit exploitation of any disabled adult. For purposes of this paragraph only, the term 'disabled adult' means a person 18 years of age or older who is:~~

~~(A) A resident of a long term care facility, as defined in Article 4 of Chapter 8 of Title 31; and~~

~~(B) Mentally or physically incapacitated or has Alzheimer's disease, as defined in Code Section 31-8-180, or dementia, as defined in Code Section 49-6-72.~~

~~An owner, officer, administrator, or board member of a long term care facility shall not be held criminally liable for the actions of a person who is convicted pursuant to this paragraph. Nothing in this paragraph shall be construed to preempt any other law or to deny to any individual any rights or remedies which are provided under any other law.~~

~~(3) Except as otherwise provided in Title 16, any person violating the provisions of this subsection shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than five years.~~

~~(b)(a)~~(1) It shall be unlawful for any person or official required by paragraph (1) of subsection (a) of Code Section 30-5-4 to report a case of disabled adult or elder person abuse to fail knowingly and willfully to make such report.

(2) Any person violating the provisions of this ~~subsection~~ Code section shall be guilty of a misdemeanor.

~~(e)~~(b) Any violation of this Code section shall constitute a separate offense."

SECTION 1-10.

Said chapter is further amended by revising Code Section 30-5-10, relating to cooperative effort in development of programs relating to abuse and exploitation of persons 65 years of age or older, as follows:

"30-5-10.

The ~~Department of Human Services~~ department, the Georgia Peace Officer Standards and Training Council, the Prosecuting Attorneys' Council of the State of Georgia, and the Institute of Continuing Judicial Education shall develop programs for the education and training of social services, criminal justice, and judicial professionals concerning the abuse and exploitation of ~~persons who are 65 years of age or older~~ disabled adults, elder persons, and residents of long-term care facilities, as defined in Code Section 16-5-100. Said agencies, together with any other agency of this state which is involved in the investigation of the abuse or exploitation of ~~persons who are 65 years of age or older~~ disabled adults, elder persons, and residents of long-term care facilities, as defined in Code Section 16-5-100, are directed to cooperate in the development of such training programs to the extent allowable under Article I, Section II, Paragraph III of the Constitution of this state."

SECTION 1-11.

Article 4 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to reporting abuse or exploitation of residents in long-term care facilities, is amended by revising paragraph (2) of Code Section 31-8-81, relating to definitions for the article, as follows:

"(2) 'Exploitation' means ~~an unjust~~ the illegal or improper use of ~~another person or the person's property~~ a resident or the resident's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one's own or another's profit or advantage."

SECTION 1-12.

Said article is further amended by revising Code Section 31-8-82, relating to reporting abuse or exploitation in long-term care facilities, as follows:

"31-8-82.

(a) Any:

~~(1) Administrator, manager, physician, nurse, nurse's aide, orderly, or other employee in a hospital or facility;~~

~~(2) Medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, social worker, coroner, clergyman, police officer, pharmacist, physical therapist, or psychologist; or~~

~~(3) Employee of a public or private agency engaged in professional services to residents or responsible for inspection of long-term care facilities~~

who has knowledge of the following people who have reasonable cause to believe that any resident or former resident has been abused or exploited while residing in a long-term care facility shall immediately make a report as described in subsection (e) (d) of this Code section by telephone or in person to the department. In the event that an immediate report to the department is not possible, the person and shall make the report to the appropriate law enforcement agency or prosecuting attorney:

(1) Any person required to report child abuse as provided in subsection (c) of Code Section 19-7-5;

(2) Physical therapists;

(3) Occupational therapists;

(4) Day-care personnel;

(5) Coroners;

(6) Medical examiners;

(7) Emergency medical services personnel, as defined in Code Section 31-11-49;

(8) Any person who has been certified as an emergency medical technician, cardiac technician, paramedic, or first responder pursuant to Chapter 11 of Title 31;

(9) Employees of a public or private agency engaged in professional health related services to residents; and

(10) Clergy members.

(b) Persons required to make a report pursuant to subsection (a) of this Code section ~~Such person~~ shall also make a written report to the department within 24 hours after making the initial report.

~~(b)(c)~~ (c) Any other person who has knowledge that a resident or former resident has been abused or exploited while residing in a long-term care facility may report or cause a report to be made to the department or the appropriate law enforcement agency.

~~(e)(d)~~ (d) A report of suspected abuse or exploitation shall include the following:

(1) The name and address of the person making the report unless such person is not required to make a report;

(2) The name and address of the resident or former resident;

(3) The name and address of the long-term care facility;

(4) The nature and extent of any injuries or the condition resulting from the suspected abuse or exploitation;

(5) The suspected cause of the abuse or exploitation; and

(6) Any other information which the reporter believes might be helpful in determining the cause of the resident's injuries or condition and in determining the identity of the person or persons responsible for the abuse or exploitation.

~~(d) Upon receipt of a report of abuse or exploitation, the department may notify the appropriate law enforcement agency. In the event a report is made directly to a law enforcement agency, under subsection (a) or (b) of this Code section, that agency shall immediately notify the department.~~

(e) The department shall maintain accurate records which shall include all reports of abuse or exploitation, the results of all investigations and administrative or judicial proceedings, and a summary of actions taken to assist the resident.

(f) Any suspected abuse or exploitation which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse or exploitation has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report such matters confided to him or her solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about abuse or exploitation from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of such matters from the confession of the perpetrator."

SECTION 1-13.

Said article is further amended by revising Code Section 31-8-86 relating to confidentiality, as follows:

"31-8-86.

The identities of the resident, the alleged perpetrator, and persons making a report or providing information or evidence shall not be disclosed to the public unless required to be revealed in court proceedings or upon the written consent of the person whose identity is to be revealed or as otherwise required by law. Upon the resident's or his or her representative's request, the department shall make information obtained in an abuse report or complaint and an investigation available to an allegedly abused or exploited resident or his or her representative for inspection or duplication, except that such disclosure shall be made without revealing the identity of any other resident, the person making the report, or persons providing information by name or inference. For the purpose of this Code section, the term 'representative' shall include any person authorized in writing by the resident or appointed by an appropriate court to act upon the resident's behalf. The term 'representative' also shall include a family member of a deceased or physically or mentally impaired resident unable to grant authorization; provided, however, that such family members who do not have written or court authorization shall not be authorized by this Code section to receive the resident's health records as defined in Code Section 31-33-1. Nothing in this Code section shall be construed to deny agencies participating in joint investigations at the request of and with the department, or conducting separate investigations of abuse or exploitation within an agency's scope of authority, or law enforcement personnel who are

conducting an investigation into any criminal offense in which a resident is a victim from having access to such records."

PART II
MANDATORY REPORTERS
SECTION 2-1.

Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse, is amended by revising subparagraph (c)(1)(A), as follows:

"(A) Physicians licensed to practice medicine, physician assistants, interns, or residents;"

PART III
CROSS-REFERENCES
SECTION 3-1.

Code Section 17-17-3 of the Official Code of Georgia Annotated, relating to definitions for the "Crime Victims' Bill of Rights," is amended by revising paragraph (4) as follows:

"(4) 'Crime' means an act committed in this state which constitutes any violation of Chapter 5 of Title 16; Chapter 6 of Title 16; Article 1, 3, or 4 of Chapter 7 of Title 16; Article 1 or 2 of Chapter 8 of Title 16; Chapter 9 of Title 16; Part 3 of Article 3 of Chapter 12 of Title 16; ~~Code Section 30-5-8~~; Code Section 40-6-393; Code Section 40-6-393.1; or Code Section 40-6-394."

SECTION 3-2.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising subparagraphs (a)(2)(E) and (a)(2)(L) through (a)(2)(N) of Code Section 31-2-9, relating to records check requirements for certain facilities under the Department of Community Health, as follows:

"(E) A violation of ~~Code Section 16-5-100, relating to cruelty to a person 65 years of age or older~~ Article 8 of Chapter 5 of Title 16;"

"(L) A violation of Code Section 16-8-41, ~~relating to armed robbery~~;"

~~(M) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person~~; or

~~(N)~~(M) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere."

SECTION 3-3.

Said title is further amended by revising subparagraphs (N) and (O) of paragraph (2) of Code Section 31-7-250, relating to definitions relative to facility licensing and employee records checks for personal care homes, as follows:

"(N) A violation of Code Section 16-6-5.1, ~~relating to sexual assault against a person in custody;~~

(O) A violation of ~~Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person~~ Article 8 of Chapter 5 of Title 16;"

SECTION 3-4.

Said title is further amended by revising paragraph (2) of Code Section 31-7-350, relating to definitions for nursing home employee record checks, as follows:

"(2) 'Crime' means commission of an offense which constitutes a felony with respect to the following:

(A) A violation of Code Section 16-5-21, ~~relating to aggravated assault;~~

(B) A violation of Code Section 16-5-24, ~~relating to aggravated battery;~~

(C) A violation of Code Section 16-6-1, ~~relating to rape;~~

(D) A violation of Code Section 16-8-2, ~~relating to theft by taking;~~

(E) A violation of Code Section 16-8-3, ~~relating to theft by deception;~~

(F) A violation of Code Section 16-8-4, ~~relating to theft by conversion;~~

(G) A violation of Code Section 16-5-1, ~~relating to murder and felony murder;~~

(H) A violation of Code Section 16-4-1, ~~relating to criminal attempt as it concerns attempted murder;~~

(I) A violation of Code Section 16-8-40, ~~relating to robbery;~~

(J) A violation of Code Section 16-8-41, ~~relating to armed robbery;~~

(K) A felony violation of Code Section 16-9-1;

(L) A violation of Article 8 of Chapter 5 of Title 16;

~~(L)(M)~~ A violation of Chapter 13 of Title 16, ~~relating to controlled substances;~~ or

~~(M)(N)~~ Any other offense committed in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere."

SECTION 3-5.

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by revising paragraph (14) of subsection (a) of Code Section 35-3-4, relating to the powers and duties of the Georgia Bureau of Investigation, as follows:

"(14) Identify and investigate violations of ~~Code Section 30-5-8 or 16-5-100~~ Article 8 of Chapter 5 of Title 16; and"

SECTION 3-6.

Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 35-3-34.1, relating to circumstances when exonerated first offender's criminal record may be disclosed, as follows:

"(2) The request for information is an inquiry about a person who has applied for employment with a ~~nursing home, assisted living community, personal care home, long-term care facility as defined in Code Section 31-8-51~~ or a person or entity that

offers day care for elderly persons and the person who is the subject of the inquiry to the center was prosecuted for the offense of sexual battery, incest, pimping, pandering, or a violation of ~~Code Section 30-5-8~~ Article 8 of Chapter 5 of Title 16; or"

SECTION 3-7.

Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to discharging disqualifying individuals from employment, is amended by revising paragraph (3) of subsection (a) as follows:

"(3) The employment is with a ~~nursing home, assisted living community, personal care home,~~ long-term care facility as defined in Code Section 31-8-51 or a person or entity that offers day care for elderly persons and the defendant was discharged under this article after prosecution for the offense of sexual battery, incest, pimping, pandering, or a violation of ~~Code Section 30-5-8~~ Article 8 of Chapter 5 of Title 16; or"

SECTION 3-8.

Code Section 49-2-14.1 of the Official Code of Georgia Annotated, relating to records check requirements for licensing certain child welfare agencies, is amended by revising subparagraphs (a)(2)(E) and (a)(2)(L) through (a)(2)(N) as follows:

"(E) A violation of ~~Code Section 16-5-100, relating to cruelty to a person 65 years of age or older~~ Article 8 of Chapter 5 of Title 16;"

"(L) A violation of Code Section 16-8-41, ~~relating to armed robbery;~~

~~(M) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or~~

~~(N)~~(M) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere."

PART IV REPEALER SECTION 4-1.

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	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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	E Stephenson
Y Bennett	Drenner	Y Holcomb	Y Oliver	Y Stovall
Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y 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	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	E 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 166, nays 0.

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

HB 497. By Representatives Tanner of the 9th, Rogers of the 29th, Hamilton of the 24th, Burns of the 159th and Hawkins of the 27th:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, the "Georgia Boat Safety Act," so as to revise provisions regarding the numbering and registration of vessels; to revise application procedures and expiration provisions; to revise a provision regarding exclusions and exemptions; to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y 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	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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	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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	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	E 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 168, nays 1.

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

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

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties and

municipal corporations, so as to add the option of fiscal year contracts; to provide for related matters; to repeal conflicting laws; and for other purposes.

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 Hatcher	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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	E 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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	E 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 170, nays 0.

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

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

Mr. Speaker:

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

HB 364. By Representatives Strickland of the 111th, Rutledge of the 109th, Welch of the 110th, Knight of the 130th and Yates of the 73rd:

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

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

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

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 240. By Representatives Carson of the 46th, Holt of the 112th, Black of the 174th and Evans of the 42nd:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require Medicaid and PeachCare for Kids reimbursement for certain speech-language pathology services; 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	N Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	E Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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	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
N Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y 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	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	N Welch
Y Carter	Y Fullerton	Y Kidd	Rogers, C	N Weldon
Y Casas	Gardner	Y Kirby	Y Rogers, T	Wilkerson
Y Chandler	Y Gasaway	Y Knight	N Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Lindsey	Y Rynders	Y Willard
N Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	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 6.

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 and Resolution of the House were taken up for consideration and read the third time:

HB 487. By Representatives Ramsey of the 72nd, Hatchett of the 150th, Coomer of the 14th and Nimmer of the 178th:

A BILL to be entitled an Act to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to correct a cross reference; to clarify the application of certain provisions to the Georgia Lottery; 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 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to transfer responsibility for administration and enforcement of provisions relating to coin operated amusement machines from the Department of Revenue to the Georgia Lottery Corporation; to amend Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to a lottery for education, so as to provide for such transfer of responsibility; to provide for findings of the General Assembly; to revise provisions relating to such administration and enforcement; to provide for licensing of operators; to create the Class B machine operators advisory board; to provide for a Class B accounting terminal; to provide for procedures, conditions, and limitations; to provide for fees and penalties; to provide for disposition of certain revenues; to amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to improper use of coin operated amusement machines, so as to change certain provisions relating to definitions; to change certain provisions regarding forfeiture of coin operated amusement machines; to amend various other provisions of the Official Code of Georgia Annotated so as to conform related cross-references; to state legislative intent with respect to the effect of this Act on maritime vessels; to provide for an effective date; to provide for an automatic repeal upon a finding of unconstitutionality; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising Chapter 17, relating to coin operated amusement machines, and redesignating it as a new Article 3 of Chapter 27 of Title 50, relating to a lottery for education, as follows:

~~"CHAPTER 17~~ ARTICLE 3
Part 1

~~48-17-1.~~ 50-27-70.

(a) The General Assembly finds that the ability to operate a bona fide coin operated amusement machine business in this state constitutes a privilege and not a right. Further, in order to prevent the unregulated operation of the bona fide coin operated amusement machine business, the General Assembly is enacting the procedural enhancements of this article which will aid in the enforcement of the tax obligations that arise from the operation of bona fide coin operated amusement machine businesses as well as prevent unauthorized cash payouts. The General Assembly finds that the bona fide coin operated amusement machine business can be conducted in a manner to safeguard the fiscal soundness of the state, enhance public welfare, and support the need to educate Georgia's children through the HOPE scholarship program and pre-

kindergarten funding authorized by Article I, Section II, Paragraph VIII of the Constitution.

(b) As used in this ~~chapter~~ article, the term:

(1) 'Applicant' or 'licensee' means an owner ~~as defined in this Code section~~, including an owner's officers, directors, shareholders, individuals, members of any association or other entity not specified, and, when applicable in context, the business entity itself.

(2)(A) 'Bona fide coin operated amusement machine' means:~~(A) — Every~~ every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, card, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to subsections (b) through (g) of Code Section 16-12-35, and which can be legally shipped interstate according to federal law. Examples of bona fide coin operated amusement machines include, but are expressly not limited to, the following:

- (i) Pinball machines;
- (ii) Console machines;
- (iii) Video games;
- (iv) Crane machines;
- (v) Claw machines;
- (vi) Pusher machines;
- (vii) Bowling machines;
- (viii) Novelty arcade games;
- (ix) Foosball or table soccer machines;
- (x) Miniature racetrack, football, or golf machines;
- (xi) Target or shooting gallery machines;
- (xii) Basketball machines;
- (xiii) Shuffleboard games;
- (xiv) Kiddie ride games;
- (xv) Skee-ball machines;
- (xvi) Air hockey machines;
- (xvii) Roll down machines;
- (xviii) Trivia machines;
- (xix) Laser games;
- (xx) Simulator games;
- (xxi) Virtual reality machines;
- (xxii) Maze games;
- (xxiii) Racing games;
- (xxiv) Coin operated pool tables or coin operated billiard tables as defined in paragraph (3) of Code Section 43-8-1; and
- (xxv) Any other similar amusement machine which can be legally operated in Georgia; ~~and~~.

~~(B) Every~~ The term also means machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, card, or similar object such as jukeboxes or other similar types of music machines.

(B) The term 'bona fide coin operated amusement machine' does not include the following:

- (i) Coin operated washing machines or dryers;
- (ii) Vending machines which for payment of money dispense products or services;
- (iii) Gas and electric meters;
- (iv) Pay telephones;
- (v) Pay toilets;
- (vi) Cigarette vending machines;
- (vii) Coin operated scales;
- (viii) Coin operated gumball machines;
- (ix) Coin operated parking meters;
- (x) Coin operated television sets which provide cable or network programming;
- (xi) Coin operated massage beds; and
- (xii) Machines which are not legally permitted to be operated in Georgia.

~~(2.1) 'Business owner or business operator' means an owner or operator of a business where one or more bona fide coin operated amusement machines are available for commercial use and play by the public.~~

~~(2.2)~~(3) 'Class A machine' means a bona fide coin operated amusement machine that is not a Class B machine, does not allow a successful player to carry over points won on one play to a subsequent play or plays, and:

- (A) Provides no reward to a successful player;
- (B) Rewards a successful player only with free replays or additional time to play;
- (C) Rewards a successful player with noncash merchandise, prizes, toys, gift certificates, or novelties in compliance with the provisions of subsection (c) or paragraph (1) of subsection (d) of Code Section 16-12-35, and does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35;
- (D) Rewards a successful player with points, tokens, tickets, or other evidence of winnings that may be exchanged only for items listed in subparagraph (C) of this paragraph; or
- (E) Rewards a successful player with any combination of items listed in subparagraphs (B), (C), and (D) of this paragraph.

~~(2.3)~~(4) 'Class B machine' means a bona fide coin operated amusement machine that allows a successful player to accrue points on the machine and carry over points won on one play to a subsequent play or plays in accordance with paragraph (2) of subsection (d) of Code Section 16-12-35 and:

(A) Rewards a successful player in compliance with the provisions of paragraphs (1) and (2) of subsection (d) of Code Section 16-12-35; and

(B) Does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35.

~~(3)~~(5) 'Commissioner' means the state revenue commissioner. 'Distributor' means a person, individual, partnership, corporation, limited liability company, or any other business entity that buys, sells, or distributes Class B machines to or from operators.

~~(3.1)~~(6) 'Location license' means the initial and annually renewed license which every business location owner or business location operator must purchase and display in the location where one or more bona fide coin operated amusement machines are available for commercial use by the public for play in order to operate legally any such machine in this state.

~~(3.2)~~(7) 'Location license fee' means the fee paid to obtain the location license.

(8) 'Location owner or location operator' means an owner or operator of a business where one or more bona fide coin operated amusement machines are available for commercial use and play by the public.

(9) 'Manufacturer' means a person, individual, partnership, corporation, limited liability company, or any other business entity that supplies and sells major components or parts, including software, hardware, or both, to Class B machine distributors or operators.

~~(4)~~(10) 'Master license' means the certificate which every owner of a bona fide coin operated amusement machine must purchase and display in the owner's or operator's place of business where the machine is located for commercial use by the public for play in order to legally operate the machine in the state.

~~(4.1)~~(11) 'Net receipts' means the entire amount of moneys received from the public for play of an amusement machine, minus the amount of expenses for noncash redemption of winnings from the amusement machine, and minus the amount of moneys refunded to the public for ~~malfunction~~ bona fide malfunctions of the amusement machine.

~~(5)~~(12) 'Operator' means any person, individual, firm, company, association, corporation, or other business entity ~~who~~ that exhibits, displays, or permits to be exhibited or displayed, in a place of business other than his own, any bona fide coin operated amusement machine in this state.

~~(6)~~(13) 'Owner' means any person, individual, firm, company, association, corporation, or other business entity owning any bona fide coin operated amusement machine in this state.

~~(7)~~(14) 'Permit fee' means the annual per machine charge which every owner of a bona fide coin operated amusement machine in commercial use must purchase and display in either the owner's or operator's place of business in order to legally operate the machine in the state.

(15) 'Person' means an individual, any corporate entity or form authorized by law including any of its subsidiaries or affiliates, or any officer, director, board member, or employee of any corporate entity or form authorized by law.

~~(7.1)~~(16) 'Single play' or 'one play' means the completion of a sequence of a game, or replay of a game, where the player receives a score and from the score the player can secure free replays, merchandise, points, tokens, vouchers, tickets, cards, or other evidence of winnings as set forth in subsection (c) or (d) of Code Section 16-12-35. A player may, but is not required to, exchange a score for rewards permitted by subparagraphs ~~(A), (B), (C), and (D)~~ of paragraph ~~(d)(1)~~ (d)(1)(A) through (d)(1)(D) of Code Section 16-12-35 after each play.

~~(9)~~(17) 'Slot machine or any simulation or variation thereof' means any contrivance which, for a consideration, affords the player an opportunity to obtain money or other thing of value, the award of which is determined solely by chance, whether or not a prize is automatically paid by the contrivance.

~~(8)~~(18) 'Sticker' means the decal issued for every bona fide coin operated amusement machine to show proof of payment of the permit fee.

~~(40)~~(19) 'Successful player' means an individual who wins on one or more plays of a bona fide coin operated amusement machine.

~~(44)~~(20) 'Temporary location permit' means the permit which every ~~business~~ location owner or ~~business~~ location operator must purchase and display in the location where one or more bona fide coin operated amusement machines are available for commercial use by the public for play in order to operate legally the machine or machines in this state for seven days or less. Such temporary location permits shall be subject to the same regulations and conditions as location licenses.

~~48-17-2. 50-27-71.~~

(a) Every owner, except an owner holding a bona fide coin operated amusement machine solely for personal use or resale, who offers others the opportunity to play for a charge, whether directly or indirectly, any bona fide coin operated amusement machine shall pay annual master license fees to the corporation as follows:

(1) For Class A machines:

(A) For five or fewer machines, the owner shall pay a master license fee of \$500.00.

In the event such owner acquires a sixth or greater number of machines during a calendar year which require a certificate for lawful operation under this ~~chapter~~ article so that the total number of machines owned does not exceed 60 machines or more, such owner shall pay an additional master license fee of \$1,500.00;

(B) For six or more machines but not more than 60 machines, the owner shall pay a master license fee of \$2,000.00. In the event such owner acquires a sixty-first or greater number of machines during a calendar year which require a certificate for lawful operation under this ~~chapter~~ article, such owner shall pay an additional master license fee of \$1,500.00; or

(C) For 61 or more machines, the owner shall pay a master license fee of \$3,500.00; and

(2) For any number of Class B machines, the owner shall pay a master license fee of \$5,000.00.

The cost of the license shall be paid to the ~~commissioner~~ corporation by company check, cash, cashier's check, ~~or~~ money order, or any other method approved by the chief executive officer. Upon ~~said~~ such payment, the ~~commissioner~~ corporation shall issue a master license certificate to the owner. The master license fee levied by this Code section shall be collected by the ~~commissioner~~ corporation on an annual basis for the period from July 1 to June 30. The ~~commissioner~~ board may establish procedures for master license collection and set due dates for these license payments. No refund or credit of the master license charge levied by this Code section may be allowed to any owner who ceases the operation of bona fide coin operated amusement machines prior to the end of any license or permit period.

(a.1) Every ~~business location~~ owner or business location operator shall pay an annual location license fee for each bona fide coin operated amusement machine offered to the public for play. The annual location license fee shall be \$25.00 for each Class A machine and \$125.00 for each Class B machine. The annual location license fee levied by this Code section shall be collected by the ~~commissioner~~ corporation on an annual basis from July 1 to June 30. The location license fee shall be paid to the ~~commissioner~~ corporation by company check, cash, cashier's check, ~~or~~ money order, or any other method approved by the chief executive officer. Upon payment, the ~~commissioner~~ corporation shall issue a location license certificate that shall state the number of bona fide coin operated amusement machines permitted for each class without further description or identification of specific machines. The ~~commissioner~~ board may establish procedures for location license fee collection and set due dates for payment of such fees. No refund or credit of the location license fee shall be allowed to any ~~business location~~ owner or business location operator who ceases to offer bona fide coin operated amusement machines to the public for commercial use prior the end of any license period.

(a.2) The corporation may refuse to issue or renew a location owner or location operator license or may revoke or suspend a location owner or location operator license issued under this article if:

(1) The licensee or applicant has intentionally violated a provision of this chapter or a regulation promulgated under this chapter;

(2) The licensee or applicant has intentionally failed to provide requested information or answer a question, intentionally made a false statement in or in connection with his or her application or renewal, or omitted any material or requested information;

(3) The licensee or applicant used coercion to accomplish a purpose or to engage in conduct regulated by the corporation;

(4) Failure to revoke or suspend the license would be contrary to the intent and purpose of this article;

- (5) The licensee or applicant has engaged in unfair methods of competition and unfair or deceptive acts or practices as provided in Code Section 50-27-87.1; or
- (6) Any applicant, or any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, fails to meet any obligations imposed by the tax laws or other laws or regulations of this state.
- (b) A copy of an owner's master license and the ~~business location~~ owner's or ~~business location~~ operator's location license shall be prominently displayed at all locations where the owner and ~~business location~~ owner or ~~business location~~ operator have bona fide coin operated amusement machines available for commercial use and for play by the public to evidence the payment of the fees levied under this Code section.
- (c) Each master license and each location license shall list the name and address of the owner or ~~business location~~ owner or ~~business location~~ operator, as applicable.
- (d) The ~~commissioner~~ corporation may provide a duplicate original master license certificate or location license certificate if the original certificate has been lost, stolen, or destroyed. The fee for a duplicate original certificate is \$100.00. If the original certificate is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the certificate was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed certificate, if applicable, before a duplicate original certificate can be issued. A certificate for which a duplicate certificate has been issued is void.
- (e) A license or permit issued under this Code section:
- (1) Is effective for a single business entity;
 - (2) Vests no property or right in the holder of the license or permit except to conduct the licensed or permitted business during the period the license or permit is in effect;
 - (3) Is nontransferable, nonassignable by and between owners or ~~business location~~ owners and ~~business location~~ operators, and not subject to execution; and
 - (4) Expires upon the death of an individual holder of a license or permit or upon the dissolution of any other holder of a license or permit.
- (f) An application for the renewal of a license or permit must be made to the ~~commissioner~~ corporation by June 1 of each year.
- (g) Acceptance of a license or permit issued under this Code section constitutes consent by the licensee and the ~~business location~~ owner or ~~business location~~ operator of the business where bona fide coin operated amusement machines are available for commercial use and for play by the public that the ~~commissioner or the commissioner's corporation's~~ agents may freely enter the business premises where the licensed and permitted machines are located during normal business hours for the purpose of ensuring compliance with this ~~chapter~~ article.
- (h) An application for a license or permit to do business under this ~~chapter~~ article shall contain a complete statement regarding the ownership of the business to be licensed or the business where the permitted machines are to be located. This statement of ownership shall specify the same information that is required by the application to secure a sales tax number for the State of Georgia.

(i) An application for a master license shall be accompanied by either the annual or semiannual fee plus the required permit fee due for each machine. Additional per machine permits can be purchased during the year if needed by the owner. An application for a location license shall be accompanied by the appropriate fee.

(j) An application is subject to public inspection.

(k) A renewal application filed on or after July 1, but before the license expires, shall be accompanied by a late fee of \$125.00. A master license or location license that has been expired for more than 90 days may not be renewed. In such a case, the owner shall obtain a new master license or the business location owner or business location operator shall obtain a new location license, as applicable, by complying with the requirements and procedures for obtaining an original master license or location license.

(l) A holder of a license who properly completes the application and remits all fees with it by the due date may continue to operate bona fide coin operated amusement machines after the expiration date if its license or permit renewal has not been issued, unless the holder of the license is notified by the ~~commissioner~~ corporation prior to the expiration date of a problem with the renewal.

(m) Holders of location licenses and temporary location permits shall be subject to the same provisions of this ~~chapter~~ article with regard to refunds, license renewals, license suspensions, and license revocations as are holders of master licenses.

~~48-17-3.~~ 50-27-72.

(a) No refund is allowed for a master license except as follows:

(1) The owner makes a written request to the ~~commissioner~~ corporation for a refund prior to the beginning of the calendar year for which it was purchased;

(2) The owner makes a written request prior to the issuance of the master license or registration certificate;

(3) The owner makes a written request for a refund claiming the master license or registration certificate was mistakenly purchased due to reliance on incorrect information from the ~~commissioner~~ corporation;

(4) The processing of the master license is discontinued; or

(5) The issuance of the master license is denied.

(b) Before a refund will be allowed if the renewal of a master license is denied, the ~~commissioner~~ corporation shall verify that the applicant has no machines in operation and does not possess any machines except those that are exempt from the fees. If a master license is not issued, the ~~commissioner~~ corporation may retain \$100.00 to cover administrative costs.

(c) No refund will be allowed if the owner has an existing liability for any other fees or taxes due. Any refund will be applied to the existing liability due.

~~48-17-4.~~ 50-27-73.

(a) The ~~commissioner~~ corporation shall not renew a master, location owner, or location operator license for a business under this ~~chapter~~ article and shall suspend for any

period of time or cancel a master, location owner, or location operator license if the ~~commissioner~~ corporation finds that the applicant or licensee is indebted to the state for any fees, costs, penalties, or delinquent fees.

(b) The ~~commissioner~~ corporation shall not issue or renew a license for a business under this ~~chapter~~ article if the applicant does not designate and maintain an office in this state or if the applicant does not permit inspection by the ~~commissioner~~ corporation's agents of his or her place of business or of all records which the applicant or licensee is required to maintain.

(c) The ~~commissioner~~ corporation may refuse to issue or renew a master license or may revoke or suspend a master license issued under this chapter if:

(1) The licensee or applicant has intentionally violated a provision of this chapter or a regulation promulgated under this chapter;

(2) The licensee or applicant has intentionally failed to provide requested information or answer a question, ~~or has~~ intentionally made a false statement in or in connection with his or her application or renewal, or omitted any material or requested information;

(3) The licensee or applicant used coercion to accomplish a purpose or to engage in conduct regulated by the ~~commissioner~~ corporation;

(4) A licensee or applicant ~~that~~ allows the use of its master license certificate or per machine permit stickers by any other business entity or person who owns or operates bona fide coin operated amusement machines available for commercial use and available to the public for play. If such unauthorized use occurs, the ~~commissioner~~ corporation may fine the licensee as follows:

(A) One ~~hundred and fifty~~ thousand dollars for each improper use of a per machine permit sticker; and

(B) ~~One~~ Twenty-five thousand dollars for each improper use of a master license certificate.

In addition, the ~~commissioner~~ corporation is authorized to seize the machines in question and assess the master license and permit fees as required by law and to assess the costs of such seizure to the owner or operator of the machines; ~~or~~

(5) Failure to suspend or revoke the license would be contrary to the intent and purpose of this ~~chapter~~ article;

(6) The licensee or applicant has engaged in unfair methods of competition and unfair or deceptive acts or practices as provided in Code Section 50-27-87.1; or

(7) Any applicant, or any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, fails to meet any obligations imposed by the tax laws or other laws or regulations of this state.

(d) The ~~commissioner~~ corporation, on the request of a licensee or applicant for a license, shall conduct a hearing to ascertain whether a licensee or applicant for a license has engaged in conduct which would be grounds for revocation, suspension, or refusal to issue or renew a license.

(e) The corporation shall not limit the number of master licenses it can issue. Except as provided in this subsection, the corporation shall not issue any new Class B master licenses until one year after it certifies that the Class B accounting terminal authorized by Code Section 50-27-101 is implemented; provided, however, the corporation shall be permitted to renew Class B master licenses at any time.

~~48-17-5.~~ 50-27-74.

(a) An applicant or licensee is entitled to at least 30 days' written notice and, if requested, a hearing in the following instances:

- (1) After an application for an original or renewal license has been refused;
- (2) Before the ~~commissioner~~ corporation may revoke a license; or
- (3) Before the ~~commissioner~~ corporation may invoke any other sanctions provided by this ~~chapter~~ article. For purposes of this paragraph, sanctions shall not include:
 - (A) Issuance of a citation;
 - (B) Imposition of a late fee, penalty fee, or interest penalty under subsection (k) of Code Section ~~48-17-2~~ 50-27-71, Code Section ~~48-17-11~~ 50-27-80, or subsection (a) of Code Section ~~48-17-13~~ 50-27-82; or
 - (C) Sealing a machine or imposing charges related thereto under subsection (g) of Code Section ~~48-17-13~~ 50-27-82.

(b) The written notice provided by this Code section may be served personally by the ~~commissioner~~ chief executive officer or an authorized representative of the corporation or sent by United States certified mail or statutory overnight delivery addressed to the applicant, licensee, or registration certificate holder at its last known address. In the event that notice cannot be effected by either of these methods after due diligence, the ~~commissioner~~ chief executive officer may prescribe any reasonable method of notice calculated to inform a person of average intelligence and prudence of the ~~commissioner's~~ corporation's action, including publishing the notice in a newspaper of general circulation in the area in which the applicant, licensee, or registration certificate holder conducts its business activities. The written notice shall state with particularity the basis upon which the ~~commissioner~~ corporation is taking the proposed actions.

(c) Subject to approval by the chief executive officer and corporation, the Bona Fide Coin Operated Amusement Machine Operator Advisory Board shall establish a procedure for hearings required by this article. Such procedure shall empower the chief executive officer with the authority to delegate or appoint any person or public agency to preside over the hearing and adjudicate the appeal, and the procedure shall identify the party responsible for entering a final decision for the corporation.

~~48-17-6.~~ 50-27-75.

(a) The ~~commissioner~~ corporation shall deliver to the applicant or licensee a written copy of the order refusing an application or renewal application, revoking a master license, or imposing any other sanction provided in this ~~chapter~~ article issued after any required hearing provided by Code Section 50-27-74.

(b) Delivery of the ~~commissioner's~~ corporation's order may be given by:

- (1) Personal service upon an individual applicant or licensee;
 - (2) Personal service upon any officer, director, partner, trustee, or receiver, as the case may be;
 - (3) Personal service upon the person in charge of the business premises, temporarily or otherwise, of the applicant or licensee;
 - (4) Sending such notice by United States certified mail or statutory overnight delivery addressed to the business premises of the applicant or licensee; or
 - (5) Posting notice upon the outside door of the business premises of the applicant or licensee.
- (c) Notice shall be deemed complete upon the performance of any action authorized in this Code section.

~~48-17-7.~~ 50-27-76.

(a) Appeal by an affected person from all actions of the ~~commissioner~~ corporation or chief executive officer shall be to the Superior Court of Fulton County ~~or the superior court where the owner has the machines located at the time that the action has been taken by the commissioner.~~ The review shall be conducted by the court and shall be confined to the record.

(b) The court shall not substitute its judgment for that of the ~~commissioner~~ corporation or chief executive officer as to the weight of the evidence on questions of fact committed to the discretion of the ~~commissioner~~ corporation or chief executive officer. The court may affirm the decision of the ~~commissioner~~ corporation or chief executive officer in whole or in part; the court shall reverse or remand the case for further proceedings if substantial rights of the appellant have been prejudiced because the ~~commissioner's~~ corporation's or chief executive officer's findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the ~~commissioner~~ corporation or chief executive officer;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;
- (5) Not reasonably supported by substantial evidence in view of the reliable and probative evidence in the record as a whole; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

~~48-17-8.~~ 50-27-77.

Appeal from any final judgment of the ~~superior court~~ Superior Court of Fulton County may be taken by any party, including the ~~commissioner~~ corporation, in the manner provided for in civil actions generally.

~~48-17-9. 50-27-78.~~

(a) Every owner, except an owner holding a coin operated amusement machine solely for personal use or resale, who offers others the opportunity to play for a charge, whether direct or indirect, any bona fide coin operated amusement machine shall pay an annual permit fee for each bona fide coin operated amusement machine in the amount of \$25.00 for each Class A machine and \$125.00 for each Class B machine. The fee shall be paid to the ~~commissioner~~ corporation by company check, cash, cashier's check, ~~or~~ money order, or any other method approved by the chief executive officer. Upon payment, the ~~commissioner~~ corporation shall issue a sticker for each bona fide coin operated amusement machine. The annual fees levied by this ~~chapter~~ article shall be collected by the ~~commissioner~~ corporation on an annual basis for the period from July 1 to June 30. The ~~commissioner~~ board may establish procedures for annual collection and set due dates for the fee payments. No refund or credit of the annual fee levied by this ~~chapter~~ article shall be allowed to any owner who ceases the exhibition or display of any bona fide coin operated amusement machine prior to the end of any license or permit period.

(b) The sticker issued by the ~~commissioner~~ corporation to evidence the payment of the fee under this Code section shall be securely attached to the machine. Owners may transfer stickers from one machine to another in the same class and from location to location so long as all machines in commercial use available for play by the public have a sticker of the correct class and the owner uses the stickers only for machines that it owns.

(c) Each permit sticker shall not list the name of the owner but shall have a control number which corresponds with the control number issued on the master license certificate to allow for effective monitoring of the licensing and permit system. Permit stickers are only required for bona fide coin operated amusement machines in commercial use available to the public for play at a location.

(d) The ~~commissioner~~ corporation may provide a duplicate permit sticker if a valid permit sticker has been lost, stolen, or destroyed. The fee for a duplicate permit sticker shall be \$50.00. If a permit sticker is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the permit sticker was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed permit before a replacement permit can be issued. A permit for which a duplicate permit sticker has been issued is void.

(e) Each permit sticker issued for a bona fide coin operated amusement machine which rewards a winning player exclusively with free replays, noncash redemption merchandise, prizes, toys, gift certificates, or novelties; or points, tokens, tickets, cards, or other evidence of winnings that may be exchanged for free replays or noncash redemption merchandise, prizes, toys, gift certificates, or novelties, in accordance with the provisions of subsections (b) through (d) of Code Section 16-12-35 shall include the following: 'GEORGIA LAW PROHIBITS THE PAYMENT OR RECEIPT OF ANY MONEY FOR REPLAYS OR MERCHANDISE AWARDED FOR PLAYING THIS MACHINE. O.C.G.A. SECTION 16-12-35.'

(f) Nothing in this article shall be construed to provide any authority to the corporation to limit the number of permits issued in this state or to limit the number of permits provided to an operator, location owner, or location operator.

(g) The corporation shall not assess any fees that are not explicitly authorized under this article on a manufacturer, distributor, operator, location owner, or location operator.

~~48-17-10.~~ 50-27-79.

No refund shall be allowed for the annual permit fee assessed on each bona fide coin operated amusement machine registered with the ~~commissioner~~ corporation except as follows:

- (1) The owner makes a written request to the ~~commissioner~~ corporation for a refund prior to the beginning of the calendar year for which the permit sticker was purchased and returns the permit sticker;
- (2) The owner makes a written request for a refund prior to the issuance of the permit sticker;
- (3) The owner makes a written request for a refund claiming the permit sticker was mistakenly purchased for a machine not subject to the permit fee and returns the permit sticker; or
- (4) The owner provides the ~~commissioner~~ corporation with a sworn affidavit that a machine was sold, stolen, or destroyed prior to the beginning of the calendar year for which the permit was purchased and returns the sticker unless it was attached to the stolen or destroyed machine.

~~48-17-11.~~ 50-27-80.

If an owner purchases or receives additional bona fide coin operated amusement machines during the calendar year, the applicable annual permit fee shall be paid to the ~~commissioner~~ corporation and the sticker shall be affixed to the machine before the machine may be legally operated. A penalty fee equal to twice the applicable annual permit fee shall be assessed by the ~~commissioner~~ corporation for every machine in operation without a permit sticker.

~~48-17-12.~~ 50-27-81.

(a) The ~~commissioner~~ chief executive officer shall provide for the proper administration of this ~~chapter~~ article and is authorized to act on behalf of the corporation for such purpose. The ~~commissioner~~ chief executive officer may initiate investigations, hearings, and take other necessary measures to ensure compliance with the provisions of this ~~chapter~~ article or to determine whether violations exist. If the ~~commissioner~~ chief executive officer finds evidence of any criminal violations, ~~the commissioner~~ he or she shall notify the appropriate prosecuting attorney in the county in which such violation occurred.

(b) The ~~commissioner~~ chief executive officer is authorized to provide for the enforcement of this ~~chapter~~ article and the board shall provide for collection of the revenues under this ~~chapter~~ article by rule and regulation.

(c) The ~~commissioner~~ chief executive officer may delegate to an authorized representative any authority given to the ~~commissioner~~ chief executive officer by this ~~chapter~~ article, including the conduct of investigations, imposing of fees and fines, and the holding of hearings.

~~48-17-13. 50-27-82.~~

(a) If any owner or operator of any bona fide coin operated amusement machine in this state shall violate any provision of this ~~chapter~~ article or any rule and regulation promulgated under this ~~chapter~~ article, the ~~commissioner~~ corporation may investigate the violation and may seek sanctions, including late fees of \$50.00 for failure to pay timely permit sticker fees, \$125.00 for failure to pay timely the master license fee, suspension or revocation of a license, seizure of equipment, interest penalty, and debarment for repeat offenders.

(b) No person other than an owner shall intentionally remove a current tax sticker from a bona fide coin operated amusement machine or from the location where the machine is located. Any person who violates this subsection shall be guilty of a misdemeanor.

(c) A person who owns or operates bona fide coin operated amusement machines without a current master license or without a permit sticker on display shall be guilty of a misdemeanor.

(d) A person who knowingly secures or attempts to secure a master license or permit sticker under this ~~chapter~~ article by fraud, misrepresentation, or subterfuge is guilty of a felony.

(e) Any person who knowingly uses a sticker for the purpose of engaging in unlawful gambling shall be guilty of a misdemeanor.

(f) Any bona fide coin operated amusement machine not having the required master license or permit stickers may be seized and confiscated by the ~~commissioner~~ or his corporation's agents or employees and sold at public auction after 30 days' advertisement. Upon payment of the license required, the ~~commissioner~~ corporation may return any property so seized and confiscated and compromise any tax or penalty assessed. The owner from whom the bona fide coin operated amusement machine is seized may, at any time within ten days after the seizure, repossess the property by filing with the ~~commissioner~~ corporation a bond, in cash or executed by a surety company authorized to do business in this state, in double amount of the tax and penalties due. Within 30 days after the bond has been filed, the owner must bring an action in a court of competent jurisdiction to have the seizure set aside; otherwise, the bond so filed ~~must~~ shall be declared forfeited to the ~~commissioner~~ corporation.

(g) The ~~commissioner~~ chief executive officer or an authorized representative ~~of the commissioner~~ thereof may seal in a manner that will prevent its full operation any such bona fide coin operated amusement machine that is in commercial use available to the public for play whose master license or sticker under this ~~chapter~~ article has been

suspended or revoked, upon which the fee has not been paid, or that is not registered with the ~~commissioner~~ corporation under this ~~chapter~~ article. Whoever shall break the seal affixed by the ~~commissioner~~ chief executive officer or an authorized representative of the ~~commissioner~~ thereof without the ~~commissioner's~~ chief executive officer's approval or whoever shall provide in commercial use available to the public for play any such bona fide coin operated amusement machine after ~~said~~ the seal has been broken without the ~~commissioner's~~ chief executive officer's approval or whoever shall remove any bona fide coin operated amusement machine from its location after the same has been sealed by the ~~commissioner~~ chief executive officer shall be guilty of a misdemeanor. The ~~commissioner~~ corporation shall charge a fee of \$75.00 for the release of any bona fide coin operated amusement machine which is sealed. The fee shall be paid to the ~~commissioner~~ corporation.

~~48-17-14.~~ 50-27-83.

(a) All taxes, fees, penalties, and interest accruing to the State of Georgia under any other provision of ~~this title~~ Title 48 as it existed prior to July 1, 2010, shall be and remain valid and binding obligations to the State of Georgia for all taxes, penalties, and interest accruing under the provisions of prior or preexisting laws and all such taxes, penalties, and interest now or hereafter becoming delinquent to the State of Georgia prior to July 1, 2010, are expressly preserved and declared to be legal and valid obligations to the state.

(b) The enactment and amendment of this ~~chapter~~ article shall not affect offenses committed or prosecutions begun under any preexisting law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

(c) Nothing in this ~~chapter~~ article shall be construed or have the effect to license, permit, authorize, or legalize any machine, device, table, or bona fide coin operated amusement machine the keeping, exhibition, operation, display, or maintenance of which is in violation of the laws or Constitution of this state.

~~48-17-15.~~ 50-27-84.

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

(1) 'Amusement or recreational establishment' means an open-air establishment frequented by the public for amusement or recreation. Such an establishment shall be in a licensed fixed location located in this state and which has been in operation for at least 35 years.

(2) 'Business location' means any structure, vehicle, or establishment where a business is conducted.

(3) 'Gross retail receipts' means the total revenue derived by a business at any one business location from the sale of goods and services and the commission earned at any one business location on the sale of goods and services but shall not include revenue from the sale of goods or services for which the business will receive only a

commission. Revenue from the sale of goods and services at wholesale shall not be included.

(b)(1) No ~~business location~~ owner or ~~business location~~ operator shall derive more than 50 percent of such ~~business location~~ owner's or ~~business location~~ operator's monthly gross retail receipts for the business location in which the Class B ~~bona fide coin-operated amusement~~ machine or machines are situated from such Class B ~~bona fide coin-operated amusement~~ machines.

(2) Except as authorized by a local ordinance, no ~~business location~~ owner or ~~business location~~ operator shall offer more than nine Class B ~~bona fide coin-operated amusement~~ machines to the public for play in the same business location; provided, however, that this limitation shall not apply to an amusement or recreational establishment.

(c) For each business location which offers to the public one or more Class B ~~bona fide coin-operated amusement~~ machines, the ~~business location~~ owner or ~~business location~~ operator shall prepare a monthly verified report setting out separately by location in Georgia:

(1) The ~~the~~ gross retail receipts from the Class B ~~bona fide coin-operated amusement~~ machines; and

(2) The ~~the~~ gross retail receipts for the business location; and

(3) The net receipts of the Class B machines.

~~Upon request, the business owner or business operator shall supply such monthly reports to the commissioner. The department shall be authorized to audit any records for any such business location.~~

(c.1) Each person holding a Class B master license shall prepare a monthly verified report setting out separately by location in Georgia:

(1) The gross receipts from the Class B machines which the master licensee maintains; and

(2) The net receipts of the Class B machines.

(d) In accordance with the provisions of Code Section ~~48-17-4~~ 50-27-73 and the procedures set out in Code Sections ~~48-17-5 and 48-17-6~~ 50-27-74 and 50-27-75, the ~~commissioner~~ corporation may fine an applicant or holder of a license, refuse to issue or renew a location license or master license, or revoke or suspend a location license or master license for single or repeated violations of subsection (b) of this Code section.

(e) A ~~business location~~ owner or ~~business location~~ operator shall report the information prescribed in this Code section in the form required by the ~~commissioner~~ corporation. Such report shall be submitted in an electronic format approved by the ~~commissioner~~ corporation.

(f) Beginning on August 20, 2013, and on the twentieth day of each month thereafter, for the previous month, the reports required by subsections (c) and (c.1) of this Code section shall be supplied to the corporation on forms provided by the corporation, including electronic means. The corporation shall be authorized to audit any records for any such business location or master licensee subject to this Code section. The corporation may contract with any state agencies to perform the audits authorized by

this Code section, and it may contract or enter into a memorandum of understanding with the Department of Revenue to enforce the provisions of this Code section.

~~48-17-16.~~ 50-27-85.

(a) Except as specifically provided in this article, for ~~For~~ single or repeated violations of this ~~chapter article~~ by a business location owner or business location operator who offers one or more bona fide coin operated amusement machines for play by the public, the ~~commissioner corporation~~ may impose the following penalties on such a business location owner or business location operator:

- (1) A civil fine in an amount specified in rules and regulations promulgated in accordance with this ~~chapter article~~; or
- (2) For a third or subsequent offense, a suspension or revocation of the privilege of offering one or more bona fide coin operated amusement machines for play by the public.

(b) Before a penalty is imposed in accordance with this Code section, a business location owner or business location operator shall be entitled to at least 30 days' written notice and, if requested, a hearing as provided in Code Section 50-27-74. Such written notice shall be served in the manner provided for written notices to applicants and holders of licenses in subsection (b) of Code Section ~~48-17-5~~ 50-27-74, and an order imposing a penalty shall be delivered in the manner provided for delivery of the ~~commissioner's corporation's~~ orders to applicants for licenses and holders of licenses in Code Section ~~48-17-6~~ 50-27-75.

(c) In the case of a suspension or revocation in accordance with this Code section, the ~~commissioner corporation~~ shall require the business location owner or business location operator to post a notice in the business location setting out the period of the suspension or revocation. No applicant or holder of a license or permit shall allow a bona fide coin operated amusement machine under the control of such applicant or holder of a license or permit to be placed in a business location owned or operated by a business location owner or business location operator who has been penalized by a suspension or revocation during the period of the suspension or revocation.

~~48-17-17.~~ 50-27-86.

In addition to the state regulatory provisions regarding bona fide coin operated amusement machines contained in Code Section 16-12-35 and this ~~chapter article~~, the governing authority of any county or municipal corporation shall be authorized to enact and enforce an ordinance which includes any or all of the following provisions:

- (1) Prohibiting the offering to the public of more than nine Class B ~~bona fide coin operated amusement~~ machines that reward the player exclusively with noncash merchandise, prizes, toys, gift certificates, or novelties at the same business location;
- (2) Requiring the owner or operator of a business location which offers to the public any bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 to inform all employees of

the prohibitions and penalties set out in subsections (e), (f), and (g) of Code Section 16-12-35;

(3) Requiring the owner or possessor of any bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 to inform each business location owner or business location operator of the business location where such machine is located of the prohibitions and penalties set out in subsections (e), (f), and (g) of Code Section 16-12-35;

(4) Providing for the suspension or revocation of a license granted by such local governing authority to manufacture, distribute, or sell alcoholic beverages or for the suspension or revocation of any other license granted by such local governing authority as a penalty for conviction of the business location owner or business location operator of a violation of subsection (e), (f), or (g) of Code Section 16-12-35, or both. An ordinance providing for the suspension or revocation of a license shall conform to the due process guidelines for granting, refusal, suspension, or revocation of a license for the manufacture, distribution, or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

(5) Providing for penalties, including fines or suspension or revocation of a license as provided in paragraph (4) of this subsection, or both, for a violation of any ordinance enacted pursuant to this subsection; provided, however, that a municipal corporation shall not be authorized to impose any penalty greater than the maximum penalty authorized by such municipal corporation's charter;

(6) Requiring any business location owner or business location operator subject to paragraph (1) of subsection (b) of Code Section ~~48-17-15~~ 50-27-84 to provide to the local governing authority a copy of each verified monthly report prepared in accordance with such Code section, incorporating the provisions of such Code section in the ordinance, and providing for any and all of the penalties authorized by subsection (d) of Code Section ~~48-17-15~~ 50-27-84;

(7) Requiring the business location owner or business location operator of any business location which offers to the public one or more bona fide coin operated amusement machines to post prominently a notice including the following or substantially similar language:

'GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF MONEY FOR WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT MACHINE; OR AWARDED ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF THIS MACHINE.';

(8) Providing for restrictions relating to distance from specified structures or uses so long as those distance requirements are no more restrictive than such requirements applicable to the sale of alcoholic beverages;

- (9) Requiring as a condition for doing business in the jurisdiction disclosure by the business location owner or business location operator of the name and address of the owner of the bona fide coin operated amusement machine or machines;
- (10) Requiring that all bona fide coin operated amusement machines are placed and kept in plain view and accessible to any person who is at the business location; and
- (11) Requiring a business that offers one or more bona fide coin operated amusement machines to the public for play to post its business license or occupation tax certificate.

50-27-87.

(a)(1) Except as provided in this Code section, a person shall not own, maintain, place, or lease a bona fide coin operated amusement machine unless he or she has a valid operator's license; provided, however, that a manufacturer or distributor may own a bona fide coin operated amusement machine intended for sale to an operator, manufacturer, or distributor.

(2) An operator shall only place or lease bona fide coin operated amusement machines for use in Georgia in a licensed location owner's or location operator's establishments.

(3) To be eligible as an operator, the person shall not have had a gambling license in any state for at least five years prior to obtaining or renewing a Georgia operator's license.

(4) On or after July 1, 2013, no person with or applying for an operator's license shall have an interest in any manufacturer, distributor, location owner, or location operator in this state.

(5) Failure to adhere to the provisions of this subsection shall result in a fine of not more than \$50,000.00 and loss of the license for a period of one to five years per incident and subject the operator to the loss of any other state or local license held by the operator. The corporation shall notify any state or federal agency that issues a license to such operator of the breach of its duties under this article.

(b)(1) No bona fide coin operated amusement machine, its parts, or software or hardware shall be placed or leased in any location owner's or location operator's establishment except by a licensed owner and only if the owner or agent of the location owner or location operator has entered into a written agreement with a licensed operator for placement of the bona fide coin operated amusement machine. Beginning on July 1, 2013, no person with or applying for a location owner's or location operator's license shall have an interest in any person or immediate family member of a person licensed as an operator, or doing business as a distributor, or manufacturer in this state. A location owner or location operator may sell a bona fide coin operated amusement machine to anyone except another location owner or location operator. Failure to adhere to this subsection shall result in a fine of not less than \$50,000.00 and loss of the location owner's or location operator's license for a period of one to five years per incident and subject the location owner or location operator to the loss of any other state or local licenses held by the location owner or

location operator. The corporation shall notify any state or federal agency that issues a license to such location owner or location operator of the breach of its duties under this article.

(2) A copy of the written agreement shall be on file in the operator's and the location owner's and location operator's place of business and available for inspection by individuals authorized by the corporation.

(3) Any written agreement entered into after the effective date of this article shall be exclusive as between one bona fide coin operated amusement machine operator and one location owner or location owner per location.

(c) No person shall receive a portion of any proceeds or revenue from the operation of a bona fide coin operated amusement machine except the operator, location owner, or location operator, notwithstanding Code Section 50-27-102. No commission or fee shall be awarded for the facilitation of a contract or agreement between an operator and a location owner or location operator; provided, however, that an employee of an operator may receive compensation, including a commission, for such agreements or contracts.

(d) This Code section shall only apply to manufacturers, distributors, operators, and location owners or location operators of Class B machines.

50-27-87.1.

The following acts or practices are deemed unfair methods of competition and unfair and deceptive acts under this article:

(1) Until the corporation certifies that the Class B accounting terminal authorized by Code Section 50-27-101 is implemented, an owner, location owner, or location operator retaining more than 50 percent of the net monthly proceeds for the operation of a Class B machine;

(2) An owner entering into an agreement with a manufacturer or distributor:

(A) That grants the owner exclusive rights to own, maintain, place, or lease a type, model, or brand of bona fide coin operated amusement machine in this state; or

(B) For the lease of a bona fide coin operated amusement machine, its parts, or software or hardware;

(3) A location owner or location operator asking, demanding, or accepting anything of value, including but not limited to a loan or financing arrangement, gift, procurement fee, lease payments, revenue sharing, or payment of license fees or permit fees from an operator, as an incentive, inducement, or any other consideration to locate bona fide coin operated amusement machines in that establishment. A location owner that violates this subsection shall have all of the location owner's state business licenses revoked for a period of one to five years per incident. The location owner also shall be fined up to \$50,000.00 per incident and required to repay any incentive fees or other payments received from the operator; and

(4) An operator or individual providing anything of value, including but not limited to a loan or financing arrangement, gift, procurement fee, lease payments, revenue sharing, or payment of license fees or permit fees to a location owner or location

operator, as any incentive, inducement, or any other consideration to locate bona fide coin operated amusement machines in that establishment. An operator or individual who violates this subsection shall have all of his or her state business licenses revoked for a period of one to five years per incident. The individual or location owner also shall be fined up to \$50,000.00 per incident.

50-27-88.

(a) The corporation shall establish rules or policies, with the advice and consent of the Bona Fide Coin Operated Amusement Machine Operator Advisory Board, to establish or create:

(1) Forms and information reasonably required for the submission of a license application; and

(2) Procedures to ensure that applicants for a license provide the identical name and address of the applicant as stated in the application for a license required by local governing authorities and specify the premises where the licensee shall have its place of business.

(b) Any legal entity, including but not limited to all partnerships, limited liability companies, and domestic or foreign corporations, lawfully registered and doing business under the laws of Georgia or the laws of another state and authorized by the Secretary of State to do business in Georgia which seeks to obtain a license for bona fide coin operated amusement machines may be permitted to apply for a license in the name of the legal entity as it is registered in the office of the Secretary of State; provided, however, that:

(1) In its application for any bona fide coin operated amusement machine license, the legal entity shall provide the corporation with the name and address of its agent authorized to receive service of process under the laws of Georgia, together with a listing of its current officers and their respective addresses;

(2) Any change in the status of licensee's registered agent, including but not limited to change of address or name, shall be reported to the corporation within ten business days of such occurrence;

(3) In the event that a legal entity shall fail to appoint or maintain a registered agent in Georgia as required by law, or whenever its registered agent cannot with due diligence be found at the registered office of the business as designated in its application for license, the chief executive officer shall be appointed agent to receive any citation for violation of the provisions of this article;

(4) Process may be served upon the chief executive officer by leaving with the chief executive officer duplicate copies of such citations;

(5) In the event that the notice of citation is served upon the chief executive officer or one of the chief executive officer's designated agents, the chief executive officer shall immediately forward one of the copies to the business at its registered office;

(6) Any service made upon the chief executive officer shall be answerable within 30 days; and

(7) The corporation shall keep a record of all citations served upon the chief executive officer under this article and shall record the time of service and the disposition of that service.

50-27-89.

(a) There shall be a Bona Fide Coin Operated Amusement Machine Operator Advisory Board to be composed of ten members. The chief executive officer of the corporation shall serve as a member. Two members shall be appointed by the Speaker of the House of Representatives, two members by the Lieutenant Governor, and five members by the Governor; at least one gubernatorial appointee shall be a representative of the Board of Regents of the University System of Georgia and another gubernatorial appointee shall be a consumer member who is not related to the business of bona fide coin operated amusement machines. At least seven members shall be Georgia operators with current master licenses representing the broadest possible spectrum of business characteristics of bona fide coin operated amusement machine operators.

(b) Members appointed to the advisory board shall serve terms of four years. Upon the expiration of a member's term of office, a new member appointed in the same manner as the member whose term of office expired as provided in subsection (a) of this Code section shall become a member of the advisory board and shall serve for a term of four years and until such member's successor is duly appointed and qualified. If a vacancy occurs in the membership of the advisory board, a new member shall be appointed for the unexpired term of office by the official who appointed the vacating member. Members may be reappointed to additional terms.

(c) The advisory board shall establish its own policies and internal operating procedures. Members of the advisory board shall serve without compensation or reimbursement of expenses. The advisory board may report to the corporation in writing at any time. The corporation may invite the advisory board to make an oral presentation to the corporation.

(d) The advisory board shall have the exclusive authority to initiate a process to determine a variety of cost-effective, efficacious, and fiscally responsible approaches for consideration by the corporation of a Class B accounting terminal authorized by Code Section 50-27-101. The advisory board shall be further authorized to contract with the Department of Administrative Services to develop a request for proposal to receive bids to provide the Class B accounting terminal and shall submit a minimum of three recommended proposals to the corporation unless only two vendors respond. The corporation shall select one of the recommended proposals to serve as the Class B accounting terminal vendor.

(e) No advisory board member, corporation member, or immediate family of either may own a substantial interest in or be an employee, independent contractor, agent, or officer of any vendor recommended to or selected by the corporation. For the purposes of this Code section, 'substantial interest' means the direct or indirect ownership of any privately held assets or stock or over \$5,000.00 in publicly traded stock.

Part 250-27-100.

The General Assembly finds that:

- (1) There is a compelling state interest in ensuring the most efficient, honest, and accurate regulation of the bona fide coin operated amusement machine industry in this state; and
- (2) The most efficient, accurate, and honest regulation of the bona fide coin operated amusement machine industry in this state can best be facilitated by establishing a Class B accounting terminal to which all Class B machines will be linked by a communications network to provide superior capability of auditing, reporting, and regulation of the coin operated amusement machine industry.

50-27-101.

- (a) In cooperation with the Bona Fide Coin Operated Amusement Machine Operator Advisory Board established under Code Section 50-27-89, the corporation shall procure a Class B accounting terminal linked by a communications network through which all Class B machines in a location shall connect to a single point of commerce for the purpose of accounting and reporting to the state. In no event shall the terminal approved by the corporation limit participation to only one manufacturer or one type of bona fide coin operated amusement machine. Consideration shall be given to the cost associated with retrofitting all existing Class B machines and efforts made to minimize that cost.
- (b) Six months after the procurement of a Class B accounting terminal and successful pilot testing, all Class B machines shall be linked by a communications network to a Class B accounting terminal for purposes of monitoring and reading device activities as provided for in this Code section. When the corporation is satisfied with the operation of the Class B accounting terminal it shall certify the effective status of the Class B accounting terminal and notify all licensees of such certification.
- (c) The Class B accounting terminal shall be designed and operated to allow the monitoring and reading of all Class B machines for the purpose of compliance with regard to their obligations to the state. The Class B accounting terminal shall be located within and administered by the corporation.
- (d) The Class B accounting terminal shall not provide for the monitoring or reading of personal or financial information concerning patrons of bona fide coin operated amusement machines.
- (e) Any entity that acts as a vendor for the corporation in building, operating, maintaining, or contracting to build, operate, or maintain a Class B accounting terminal shall be prohibited from obtaining a license as an operator or location owner or location operator.
- (f) Except as provided in subsection (e) of Code Section 50-27-73, nothing in this part shall be construed to provide any authority to the corporation to limit or eliminate Class B machines or to limit, eliminate, or unduly restrict the number of licenses, permits, or certifications for operators or location owners or location operators.

(g) The corporation shall not expand, limit, or otherwise alter what constitutes a bona fide coin operated amusement machine and the permitted redemption related items, except that the corporation shall be permitted to authorize any ticket or product of the corporation.

(h) The corporation shall be exempt from and not subject to the requirements of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The corporation shall allow for notice of and comment on any policies or rules enacted pursuant to this article, including approval by the Bona Fide Coin Operated Amusement Machine Operator Advisory Board.

50-27-102.

(a) Upon successful implementation and certification of the Class B accounting terminal under the provisions of Code Section 50-27-101, and for the first fiscal year thereafter, all owners of Class B machines and location owners and location operators shall apportion net receipts as follows:

(1) The location owner or location operator shall:

(A) Retain 47.5 percent of the net receipts; and

(B) Provide 52.5 percent of the net receipts to the corporation; and

(2) The corporation shall:

(A) Retain 5 percent of the net receipts; and

(B) Provide, within five business days of receipt, 47.5 percent of the net receipts to the operator holding the Class B master license for the cost of securing, operating, and monitoring the machines.

(b) In each fiscal year after the implementation and certification required by subsection (a) of this Code Section, the corporation's share shall increase 1 percent, taken evenly from the location owner or location operator and the operator, to a maximum of 10 percent.

(c) The corporation shall require location owners and location operators to place all bona fide coin operated amusement machine proceeds due the corporation in a segregated account in institutions insured by the Federal Deposit Insurance Corporation not later than the close of the next banking day after the date of their collection by the retailer until the date they are paid over to the corporation. At the time of such deposit, bona fide coin operated amusement machine proceeds shall be deemed to be the property of the corporation. The corporation may require a location owner or location operator to establish a single separate electronic funds transfer account where available for the purpose of receiving proceeds from Class B machines, making payments to the corporation, and receiving payments for the corporation. Unless otherwise authorized in writing by the corporation, each bona fide coin operated amusement machine location owner or location operator shall establish a separate bank account for bona fide coin operated amusement machine proceeds which shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets. Whenever any person who receives proceeds from bona fide coin operated amusement machines becomes insolvent or dies insolvent, the proceeds due the

corporation from such person or his or her estate shall have preference over all debts or demands. If any financial obligation to the corporation has not been timely received, the officers, directors, members, partners, or shareholders of the location owner or location operator shall be personally liable for the moneys owed to the corporation."

SECTION 1-2.

Said title is further amended by reserving the Chapter 17 designation.

PART II

SECTION 2-1.

Code Section 16-12-32 of the Official Code of Georgia Annotated, relating to seizure and disposition of property used in gambling, is amended by revising subsection (g) as follows;

"(g) Should it appear that any person filing a defense in the action knew, or by the exercise of ordinary care should have known, that the property was used in violation of this Code section, the same shall be sold by order of the court after such advertisement as the court shall direct, and such person shall have no claim upon the property or the proceeds from the sale thereof. Notwithstanding the provisions of subsection (j) of Code Section 16-14-7, in any forfeiture action involving bona fide coin operated amusement machines brought under Code Section 16-14-7 for an alleged violation of 16-14-4, where an alleged violation of this article is used to prove a pattern of racketeering activity as defined in paragraph (8) of Code Section 16-14-3, any property subject to forfeiture under this article shall not be subject to forfeiture unless the state proves the owner of such property had actual knowledge the property was being used in violation of this article."

SECTION 2-2.

Code Section 16-12-35 of the Official Code of Georgia Annotated, relating to applicability of certain provisions relative to gambling, is amended by revising subsections (a), (h), and (i) as follows;

"(a) As used in this Code section, the term 'some skill' means any presence of the following factors, alone or in combination with one another:

- (1) A learned power of doing a thing competently;
 - (2) A particular craft, art, ability, strategy, or tactic;
 - (3) A developed or acquired aptitude or ability;
 - (4) A coordinated set of actions, including, but not limited to, eye-hand coordination;
 - (5) Dexterity, fluency, or coordination in the execution of learned physical or mental tasks or both;
 - (6) Technical proficiency or expertise;
 - (7) Development or implementation of strategy or tactics in order to achieve a goal;
- or
- (8) Knowledge of the means or methods of accomplishing a task.

The term some skill refers to a particular craft, coordinated effort, art, ability, strategy, or tactic employed by the player to affect in some way the outcome of the game played on a bona fide coin operated amusement machine as defined in paragraph (2) of Code Section ~~48-17-1~~ 50-27-70. If a player can take no action to affect the outcome of the game, the bona fide coin operated amusement machine does not meet the 'some skill' requirement of this Code section."

"(h) Any gift certificates, tokens, vouchers, tickets, or other evidence of winnings awarded under subsection (c) or (d) of this Code section must be redeemable only at the premises on which the game or device is located. It shall be unlawful for any person to provide to any other person as a reward for play on any such game or device any gift certificate, token, voucher, ticket, or other evidence of winning which is redeemable or exchangeable for any thing of value at any other premises. It shall be unlawful for any person at any premises other than those on which the game or device is located to give any thing of value to any other person for any gift certificate, token, voucher, ticket, or other evidence of winning received by such other person from play on such game or device. Any person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature. This subsection shall not apply to any ticket or product of the Georgia Lottery Corporation.

(i) The merchandise, prizes, toys, gift certificates, novelties, or rewards which may be awarded under subsection (c) or (d) of this Code section may not include or be redeemable or exchangeable for any firearms, alcohol, or tobacco ~~or any lottery ticket or other item enabling participation in any lottery.~~ Any person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature."

SECTION 2-3.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended in paragraph (43) by replacing the term "Chapter 17 of this title" with "Chapter 27 of Title 50".

SECTION 2-4.

Code Section 48-13-9 of the Official Code of Georgia Annotated, relating to limitation on authority of local government to impose regulatory fee, examples of businesses or practitioners or professions or occupations which may be subject to fees, individuals and entities not subject to fees, and general laws not repealed, is amended in paragraph (20) of subsection (c) by replacing the term "Code Section 48-17-1" with "Code Section 50-27-70" and by replacing the term "Code Section 48-17-9" with "Code Section 50-27-78".

SECTION 2-5.

Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the lottery for education, is amended by revising paragraph (14) of subsection (a) of Code Section 50-27-9, relating to general powers of the lottery corporation, as follows:

"(14) To enter into contracts or agreements with state or local law enforcement agencies, including the Department of Revenue, for the performance of law enforcement, background investigations, and security checks, and auditing and enforcement of license requirements required by Article 3 of this chapter;

PART III

SECTION 3-1.

- (a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
- (b) If any section of this Act is determined to be unconstitutional by a final decision of an appellate court of competent jurisdiction or by the trial court of competent jurisdiction if no appeal is made, with the exception of Section 2-2 of this Act, this Act shall stand repealed by operation of law.
- (c) This Act is not intended to and shall not be construed to affect the legality of the repair, transport, possession, or use of otherwise prohibited gambling devices on maritime vessels within the jurisdiction of the State of Georgia. To the extent that such repair, transport, possession, or use was lawful prior to the enactment of this Act, it shall not be made illegal by this Act; and to the extent that such repair, transport, possession, or use was prohibited prior to the enactment of this Act, it shall remain prohibited.

SECTION 3-2.

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	N 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	E 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	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	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 Pruet	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	N 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	E 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	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	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 4.

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

HR 107. By Representatives Sheldon of the 104th, Rynders of the 152nd, Channell of the 120th, Parrish of the 158th, Cooper of the 43rd and others:

A RESOLUTION creating the Joint Study Committee on Medicaid Reform; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the Joint Study Committee on Medicaid Reform; and for other purposes.

WHEREAS, Medicaid serves a vital role in ensuring the health of the needy citizens of this state who would otherwise be without access to necessary health care; and

WHEREAS, the cost of providing Medicaid continues to escalate and to require significant amounts of state resources each year; and

WHEREAS, with Medicaid enrollment increasing at the same time that states are facing unprecedented budget pressures, there is widespread recognition that expanded access to care is unsustainable without changes in how states deliver and pay for care; and

WHEREAS, for the purposes of determining an appropriate plan for Medicaid reform, it would be beneficial to study current policies and procedures of Medicaid and whether current programs are being implemented in the most efficient and effective manner, the federal expansion of Medicaid as authorized under the federal Patient Protection and Affordable Care Act, and models in other states to enable the General Assembly to understand and determine appropriate levels of service and expenses of Medicaid in order to ensure sustainability of the Medicaid program.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY that there is created the Joint Study Committee on Medicaid Reform to be composed of 18 members as follows:

- (1) Six members of the Senate, appointed by the Lieutenant Governor, at least one of which shall be a member of the minority caucus;
- (2) Six members of the House of Representatives, appointed by the Speaker of the House of Representatives, at least one of which shall be a member of the minority caucus; and
- (3) Six members appointed by the Governor as follows:
 - (A) One representative from the Department of Community Health;
 - (B) One member representing hospitals;
 - (C) One member representing insurance providers;
 - (D) One member representing nursing homes;
 - (E) One physician; and
 - (F) One consumer member.

The Lieutenant Governor and the Speaker of the House of Representatives shall each designate one of their appointees to serve as cochairpersons. The committee may elect other officers as deemed necessary. The cochairpersons may designate and appoint subcommittees from among the membership of the committee as well as appoint other persons to perform such functions as they may determine to be necessary as relevant to and consistent with this resolution. The cochairpersons shall only vote to break a tie. The committee shall meet at the call of the cochairpersons. A quorum for transacting business shall be a majority of the members of the committee.

BE IT FURTHER RESOLVED that the committee may conduct its meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. Legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. Members of the committee who are state officials, other than legislative members, and state employees shall receive no compensation for their services on the committee, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the committee in the same manner as they are reimbursed for expenses in their capacities as state officials or employees. The allowances authorized by this resolution shall not be received by any member of the

committee for more than five days unless additional days are authorized. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the House of Representatives and the Senate.

BE IT FURTHER RESOLVED that the committee shall make a report of its findings and recommendations to the General Assembly and the Governor, with suggestions for proposed legislation, if any, on or before December 31, 2013. The committee shall stand abolished on December 31, 2013.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y 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	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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
N 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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y 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	E Frazier	Y Kelley	Y Riley	Y Welch
Y Carson	Y Frye	N Kendrick	Y Roberts	Y Weldon
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Wilkerson
Y Casas	Y Gardner	Y Kirby	Y 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	E 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	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 167, nays 5.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

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 371. By Representatives Harbin of the 122nd, Parsons of the 44th, Peake of the 141st, Harrell of the 106th and Williamson of the 115th:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 48 of the Official Code of Georgia Annotated, relating to the motor fuel tax, so as to define liquefied natural gas for motor fuel tax purposes; 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 9 of Title 48 of the Official Code of Georgia Annotated, relating to the motor fuel tax, so as to define liquefied natural gas for motor fuel tax purposes; 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 9 of Title 48 of the Official Code of Georgia Annotated, relating to the motor fuel tax, is amended by revising subsection (a) of Code Section 48-9-3, relating to the levy of an excise tax on motor fuels, as follows:

"(a)(1) An excise tax is imposed at the rate of 7 1/2¢ per gallon on distributors who sell or use motor fuel within this state. It is the intention of the General Assembly that the legal incidence of the tax be imposed upon the distributor.

(2) In the event any motor fuels which are not commonly sold or measured by the gallon are used in any motor vehicles on the public highways of this state, the commissioner may assess, levy, and collect a tax upon such fuels, under such regulations as the commissioner may promulgate, in accordance with and measured

by the nearest power potential equivalent to that of one gallon of regular grade gasoline. Any determination by the commissioner of the power potential equivalent of such motor fuels shall be prima-facie correct. Upon each such quantity of such fuels used upon the public highways of this state, a tax at the same rate per gallon imposed on motor fuel under paragraph (1) of this subsection shall be assessed and collected.

(3) No county, municipality, or other political subdivision of this state shall levy any fee, license, or other excise tax on a gallonage basis upon the sale, purchase, storage, receipt, distribution, use, consumption, or other disposition of motor fuel. Nothing contained in this article shall be construed to prevent a county, municipality, or other political subdivision of this state from levying license fees or taxes upon any business selling motor fuel.

(4)(A) For purposes of this subsection, and notwithstanding the provisions of paragraph (2) of this subsection and any provision contained in the National Bureau of Standards Handbook or any other national standard that may be adopted by law or regulation, the gallon equivalent of compressed natural gas shall be not less than 110,000 British thermal units and the gallon equivalent of liquefied natural gas shall not be less than 6.06 pounds.

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

(i) ~~'compressed~~ Compressed natural gas' means a mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form, that has been compressed for use as a motor fuel.

(ii) 'Liquefied natural gas' means methane or natural gas in the form of a cryogenic or refrigerated liquid for use as a motor fuel."

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
Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E 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	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	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.
Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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 Welderson
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
Cheokas	E 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.

Representative Willard of the 51st moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 1. By Representatives Willard of the 51st, Lindsey of the 54th, Abrams of the 89th, Ehrhart of the 36th, Parsons of the 44th and others:

A BILL to be entitled an Act to amend Title 9 of the O.C.G.A., relating to civil practice, to amend Title 16 of the O.C.G.A., relating to crimes and offenses, so as to conform provisions to the new Chapter 16 of Title 9, correct cross-references, and remove obsolete or improper references to forfeiture; to amend the O.C.G.A., so as to conform provisions to the new Chapter 16 of Title 9, correct cross-references, and remove obsolete or improper references to forfeiture; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

SR 267. By Senator Ligon, Jr. of the 3rd:

A RESOLUTION urging the United States Army Corps of Engineers to close Noyes Cut in the Satilla River System; and for other purposes.

SR 348. By Senators Hill of the 32nd, Mullis of the 53rd, Golden of the 8th, Chance of the 16th and Albers of the 56th:

A RESOLUTION creating the Georgia Program Integrity Joint Study Committee; and for other purposes.

Mr. Speaker:

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

SR 245. By Senators Hill of the 32nd, Miller of the 49th, Shafer of the 48th, Cowsert of the 46th and Chance of the 16th:

A RESOLUTION requesting the United States Congress to adopt a resolution proposing a balanced budget amendment to the United States Constitution and to submit the same to the states for ratification; and for other purposes.

SR 371. By Senators Cowsert of the 46th, Shafer of the 48th, Chance of the 16th, Hill of the 32nd, Loudermilk of the 14th and others:

A RESOLUTION making renewed application to the Congress of the United States to call for a convention for the purpose of proposing an amendment to the Constitution of the United States; and for other purposes.

Mr. Speaker:

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

SB 13. By Senator Carter of the 1st:

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 require mandatory reporting for nurses; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 372. By Representatives Coomer of the 14th, Evans of the 42nd, Carter of the 175th, Nimmer of the 178th, Hatchett of the 150th and others:

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 eligibility for a HOPE grant at a technical college or university institution; to revise a provision relating to the submission of an annual request for funding for the Technical College System of Georgia; 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 20-3-519.5 of the Official Code of Georgia Annotated, relating to eligibility requirements for HOPE grants, so as to revise eligibility for a HOPE grant at a technical college or university institution; 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 20-3-519.5 of the Official Code of Georgia Annotated, relating to eligibility requirements for HOPE grants, is amended by revising subsection (a) as follows:

"(a) To be eligible for a HOPE grant, a student seeking a diploma or certificate at a branch of the Technical College System of Georgia or a unit of the University System of Georgia shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

(1) Meet achievement standards by earning a cumulative grade point average of at least ~~3.0~~ 2.0 at the end of the quarter or semester in which the student has attended 30 or 60 semester hours or 45 or 90 quarter hours of courses towards a diploma or certificate for which the student received HOPE funds pursuant to this part. The

grade point average shall be calculated using such 30 semester or 45 quarter hours taken pursuant to this subsection. An otherwise eligible student who attains or regains a cumulative grade point average of at least ~~3.0~~ 2.0 at the end of a quarter or semester in which the student has attempted 30 or 60 semester hours or 45 or 90 quarter hours may qualify or requalify for a HOPE grant; provided, however, that a student who receives a HOPE grant and loses eligibility pursuant to this paragraph is only eligible to regain or requalify for the HOPE grant one time; and

(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status in a program of study leading to a certificate or diploma and maintaining satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled."

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 Hatcher	Y Morris	Y Smith, R
Y Ballinger	Dickerson	Y Hawkins	E 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	E 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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

HB 318. By Representatives Stephens of the 164th, Hatchett of the 150th, Coomer of the 14th, Battles of the 15th, Dempsey of the 13th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the "Georgia Tourism Development Act," so as to revise certain definitions; to provide for procedures, conditions, and limitations; 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 Article 6 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the "Georgia Tourism Development Act," so as to revise certain definitions; to provide for procedures, conditions, and limitations; 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.

Article 6 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the "Georgia Tourism Development Act," is amended by revising Code Section 48-8-271, relating to definitions, as follows:

"48-8-271.

As used in this article, the term:

(1) 'Agreement' means ~~a tourism attraction~~ an agreement for a tourism attraction project entered into, pursuant to Code Section 48-8-275, on behalf of between the

Department of Community Affairs and an approved company pursuant to Code Section 48-8-275.

(2) 'Annual sales and use tax' means state sales and use taxes remitted to the state that were generated by sales to the general public at the approved tourism attraction during the calendar year immediately preceding the date of filing the sales and use tax refund claim.

(2)(3) 'Approved company' means any corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, business trust, or any other the entity that is seeking has submitted an application to undertake a tourism attraction project, which has been approved pursuant to Code Section 48-8-275 and is approved, pursuant to subsection (b) of Code Section 48-8-274, by the Governor and by the governing authority of the city where the tourism attraction project is to be located if within a city and by the governing authority of the county where the tourism attraction project is to be located. For each tourism attraction project, only one company may be approved under this article.

(3)(4) 'Approved costs' means:

(A) For new tourism attractions:

- (i) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, and installation of a new tourism attraction project;
- (ii) The costs of acquiring real property or rights in real property and any costs incidental thereto;
- (iii) All costs for construction materials and equipment installed at the new tourism attraction project;
- (iv) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping, and installation of a new tourism attraction project which is not paid by the vendor, supplier, deliveryman, or contractor or otherwise provided;
- (v) All costs of architectural and engineering services, including but not limited to estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping, and installation of a new tourism attraction project;
- (vi) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, and installation of a new tourism attraction project;
- (vii) All costs required for the installation of utilities, including but not limited to water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions if paid for by the approved company; and
- (viii) All other costs comparable with those described in this subparagraph; or

(B) For existing tourism attractions, any approved costs otherwise specified in subparagraph (A) of this paragraph; provided, however, that such costs are limited to the expansion only of an existing tourism attraction and not the renovation of an existing tourism attraction.

(5) 'Approved tourism attraction' means a project that was approved pursuant to Code Section 48-8-274 and that has since opened to the public and become operational as a tourism attraction.

(6) 'Expansion' means the addition of equipment, facilities, or real estate to an existing tourism attraction for the purpose of increasing its size, scope, or visitor capacity.

~~(4)~~(7) 'Incremental sales and use tax' means those state and local sales and use taxes remitted to the state that were generated by the tourism attraction project above the amount of such sales and use taxes generated by the previous use of the property on which such project is located except as otherwise provided in Code Section 48-8-278 sales to the general public at the approved tourism attraction from the date on which construction of the expansion project is completed through the end of the calendar year immediately preceding the date of filing the incremental sales and use tax refund claim, less the state sales and use taxes remitted to the state that were generated by sales to the general public at the approved tourism attraction during the 12 month period immediately preceding the commencement of construction of the expansion project.

(8) 'Incremental sales and use tax refund' is the amount equal to the lesser of the incremental sales and use tax or 2.5 percent of the total of all approved costs incurred at any time prior to January 1 of the year during which the claim for the incremental sales and use tax refund is filed.

(9) 'Local sales and use tax' means any sales and use tax that is levied and imposed in an area consisting of less than the entire state, however authorized.

(10) 'Renovation' means the restoration, rebuilding, redesign, repair, or replacement of worn elements so that the functionality, quality, or attractiveness of buildings or structures is equivalent to a former state.

(11) 'Sales and use tax refund' is the amount equal to the lesser of the annual sales and use tax or 2.5 percent of the total of all approved costs incurred at any time prior to January 1 of the year during which the claim for the sales and use tax refund is filed.

~~(5)~~(12) 'Tourism attraction' means a cultural or historical site; a recreation or entertainment facility; a convention hotel and conference center; an automobile race track, including, but not limited to, Atlanta Motor Speedway, with other tourism amenities; a golf course facility with other tourism amenities; marinas and water parks with lodging and restaurant facilities designed to attract tourists to the State of Georgia; or a Georgia crafts and products center. A tourism attraction shall not include the following: (A) Facilities that are be primarily devoted to the retail sale of goods, shopping centers, restaurants, or movie theaters; ~~or~~

~~(B) Recreational facilities that do not serve as likely destinations where individuals who are not residents of this state would remain overnight in commercial lodging at the tourism attraction.~~

~~(6)~~(13) 'Tourism attraction project' or 'project' means includes the real estate acquisition, including the acquisition of real estate by a leasehold interest with a minimum term of 30 years, construction, and equipping of a tourism attraction; the construction and installation of improvements to facilities necessary or desirable for the acquisition, construction, and installation of a tourism attraction, including but not limited to surveys; installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions if paid for by the approved company. Such term shall not include the renovation of an existing tourism attraction."

SECTION 2.

Said article is further amended by revising Code Section 48-8-273, relating to tourism attraction agreements, as follows:

"48-8-273.

(a) In the ~~sole~~ discretion of the ~~Governor~~ commissioner of economic development and the commissioner of community affairs, in consideration of the execution of the agreement, ~~each~~ and subject to the approved company's compliance with the terms of the agreement, an approved company shall be granted a sales and use tax refund from the incremental sales and use tax on the sales generated by the approved company and arising at the tourism attraction for new projects or an incremental sales and use tax refund for expansions of existing tourism attractions.

(b) The approved company shall have no obligation to refund or otherwise return any amount of this sales and use tax refund to the persons from whom the sales and use tax was collected.

(c) ~~For all tourism attractions the~~ The term of the agreement granting the sales and use tax a refund under this article shall be ten years, commencing on ~~the later of: (1) The final approval of the agreement for purposes of the sales and use tax refund; or (2) The~~ the date the tourism attraction opens for business and begins to collect sales and use taxes or, for an expansion, the date construction is complete.

~~(d) Any sales and use tax collected by an approved company on sales transacted after final approval but prior to the commencement of the term of the agreement shall be refundable as if collected after the commencement of the term and applied to the approved company's first year's refund after activation of the term and without changing the term.~~

~~(e) The total sales and use tax refund allowed to the approved company over the term of the agreement shall be equal to the lesser of the total amount of the incremental sales and use tax liability of the approved company or 25 percent of the approved costs for the tourism attraction project. The incremental sales and use tax refund shall accrue over the term of the agreement in an annual amount equal to the lesser of the~~

~~incremental sales and use tax liability of the approved company for that year or 2.5 percent of the approved costs.~~

~~(f)(d) On or before March 31 of each year~~ For each calendar year or partial calendar year occurring during the term of the agreement, an approved company shall file with the Department of Revenue a claim for ~~the incremental sales and use tax refund collected by the approved company and remitted to the Department of Revenue during the preceding calendar year pursuant to subsection (e) of this Code section~~ a refund under this article by March 31 of the following year.

~~(g)(e)~~ The Department of Revenue, in consultation with the Department of Community Affairs and other appropriate state agencies, shall promulgate administrative regulations and require the filing of a refund form designed by the Department of Revenue to reflect the intent of this article.

~~(h)(f)~~ No sales and use tax refund shall be granted to an approved ~~project which~~ company that is during a tax year simultaneously receiving any other state tax incentive associated with any one tourism attraction project.

~~(i)(g)~~ Any sales and use tax refund shall be first applied to any outstanding tax obligation of the approved company ~~which that~~ is due and payable to the state.

(h) Refunds under this article shall be made without interest."

SECTION 3.

Said article is further amended by revising Code Section 48-8-274, relating to an application for a tourism project, as follows:

"48-8-274.

(a) The commissioner of community affairs, in consultation with ~~the Governor and~~ other appropriate state agencies, shall establish standards for the filing of an application for tourism attraction projects by the promulgation of administrative regulations.

(b) In addition to any standards set forth pursuant to subsection (a) of this Code section, an ~~An~~ application for a tourism attraction project filed with the Department of Community Affairs shall include, ~~but not be limited to:~~

(1) Marketing plans for the tourism attraction ~~project~~ that target individuals who are not residents of this state;

(2) A description and location of the tourism attraction project;

(3) Capital and other ~~anticipated~~ specific expenditures for the tourism attraction project and the anticipated sources of funding for such project;

(4) The anticipated employment and wages to be paid at the tourism attraction ~~project~~;

(5) Business plans ~~which that~~ indicate the average number of days in a year in which the tourism attraction ~~project~~ will be in operation and open to the public; ~~and~~

(6) The anticipated revenues to be generated by the tourism attraction ~~project~~; ~~and~~

(7) Resolutions from the governing authority of the county or the city, if any, in which the tourism attraction will be located endorsing the tourism attraction project and, where applicable, including appropriate affirmative clauses regarding permitting, land use, local incentives, and the provision of local public infrastructure.

(c) Following the filing of the application, the Department of Community Affairs shall submit the application to an independent consultant who shall perform an in depth analysis of the proposed project. All costs associated with such application and analysis shall be paid for by the approved company.

(d) ~~The Governor may, in the Governor's sole discretion,~~ commissioner of economic development and the commissioner of community affairs may grant approval to the tourism attraction project if the project shall:

- (1) Have approved costs in excess of \$1 million and such project is to be a tourism attraction;
- (2) Have a significant and positive economic impact on the state considering, among other factors, the extent to which the tourism attraction project will compete directly with tourism attractions in this state ~~and the amount by which increased state local tax revenues from the tourism attraction project will exceed the refund to be given to the approved company;~~
- (3) Produce sufficient revenues and public demand to be operating and open to the public for a minimum of 100 days per year, including the first year of operation;
- (4) Not adversely affect existing employment in the state; and
- (5) For each year following the third year of operation, attract a minimum of 25 percent of its visitors from nonresidents of this state; ~~and.~~
- (6) ~~Meet such other criteria as deemed appropriate by the Governor."~~

SECTION 4.

Said article is further amended by revising Code Section 48-8-275, relating to entering into an agreement with an approved company, as follows:

"48-8-275.

Following approval ~~by the Governor~~ of a project, the Department of Community Affairs shall enter into an agreement with any approved company. The agreement may ~~which may also~~ include as a partner any local development authority. ~~The, and the~~ terms and provisions of each agreement shall include, but not be limited to:

- (1) The projected amount of approved costs, ~~provided that any increase in approved costs incurred by the approved company and agreed to by the Department of Community Affairs shall apply retroactively for purposes of calculating the carry forward for unused sales and use tax refunds as set forth in subsection (e) of Code Section 48-8-273 for tax years commencing on or after July 1, 2011;~~
- (2) A date certain by which the approved company shall have completed the tourism attraction project and begun operations. Upon request from any approved company that has received final approval, the Department of Community Affairs shall grant an extension or change, which in no event shall exceed 18 months from the date of final approval, to the completion date as specified in the agreement with an approved company; and
- (3) A statement specifying the term of the agreement in accordance with subsection (c) of Code Section 48-8-273."

SECTION 5.

Said article is further amended by revising Code Section 48-8-276, relating to a failure to abide by the terms of an agreement, as follows:

"48-8-276.

(a) Compliance with the agreement is subject to review by the Department of Community Affairs.

(b) In the event an approved company fails to abide by the terms of the agreement, then such agreement shall be void and all sales and use tax proceeds ~~which that~~ were refunded shall become immediately due and payable back to the state ~~and to the governing authority of any county or municipality whose approval was required under paragraph (2) of Code Section 48-8-271.~~"

SECTION 6.

Said article is further amended by revising Code Section 48-8-278, relating to the application of the article, as follows:

"48-8-278.

This article shall not apply to ~~the sales tax for educational purposes levied pursuant to Part 2 of Article 3 of this chapter and Article VIII, Section VI, Paragraph IV of the Constitution~~ any local sales and use tax levied or imposed at any time."

SECTION 7.

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 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
N Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	N Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E Mosby	Y Smyre
N Barr	Y Dickey	Y Henson	Y Murphy	N Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	E 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	N Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	N Holt	N Pak	Y Talton

Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	N Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	N Dutton	Y Hugley	Y Peake	N Taylor, D
Y Broadrick	E Ehrhart	Y Jackson	Y Pezold	N 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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	N 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
Y Caldwell, M	E Frazier	Y Kelley	N 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	N 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	E 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	Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 148, nays 19.

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

HB 513. By Representative Houston of the 170th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to abolish the Georgia Medical Center Authority; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y 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	E 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	E 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	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	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	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E 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 167, nays 0.

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

Representative Benton of the 31st moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 69. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to redemption of property sold for taxes, so as to change provisions relating to the amount payable at redemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Barr of the 103rd moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Higher Education:

HB 490. By Representatives Barr of the 103rd, Casas of the 107th, Rogers of the 29th, Ramsey of the 72nd, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Part 6 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health insurance plans for teachers and other school personnel, so as to expand board authorization to contract with local employers to librarians and other personnel employed by regional and county libraries; to provide for definitions; to provide for related matters; to repeal conflicting laws; for other purposes.

The motion prevailed.

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 messages were 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:

SB 23. By Senators Davenport of the 44th, Fort of the 39th, Jones of the 10th, James of the 35th, Tate of the 38th and others:

A BILL to be entitled an Act to establish the "Stacey Nicole English Act" and in her honor to aid in the location of missing persons who may be incapacitated due to serious medical conditions; to amend Title 35 of the O.C.G.A., relating to law enforcement officers and agencies, so as to prohibit minimum waiting periods for initiating a missing person report; to authorize a state-wide endangered person advisory based on a missing person's severe medical condition; to amend Code Section 40-2-26 of the O.C.G.A., relating to form and contents of application for registration of motor vehicles, so as to provide for emergency contact information in vehicle application registration forms; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

SB 62. By Senators Hill of the 32nd, Shafer of the 48th, Unterman of the 45th, Miller of the 49th, Gooch of the 51st and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to care and protection of indigent and elderly patients, so as to establish the Federal and State Funded Health Care Financing Programs Overview Committee; to provide for its composition, officers, terms of office, duties and responsibilities, and funding; to provide for assistance from other state officers and agencies in the performance of the duties of the committee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 222. By Senators Ramsey, Sr. of the 43rd and Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Conyers, approved March 16, 1978 (Ga. L. 1978, p. 3868), as

amended specifically by an Act approved March 20, 1990 (Ga. L. 1990, p. 4032), so as to repeal certain provisions relating to the election and terms of office of the mayor and councilmembers; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 223. By Senator Harbison of the 15th:

A BILL to be entitled an Act to amend an Act providing for the election of the Board of Commissioners of Schley County, approved February 5, 1951 (Ga. L. 1951, p. 2229), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3817), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 165. By Senators McKoon of the 29th and Harbison of the 15th:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of superior court judges for each judicial circuit; to amend an Act entitled "An Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the superior courts, so as to provide for additional judges of the Atlanta Judicial Circuit, the Bell-Forsyth Judicial Circuit, the Chattahoochee Judicial Circuit, the Cobb Judicial Circuit, the Tallapoosa Judicial Circuit, and the Towaliga Judicial Circuit," approved March 27, 2000 (Ga. L. 2000, p. 205), so as to change the method of selection of the chief judge of the Chattahoochee Judicial Circuit; to provide for the duties of the chief judge and presiding judge of said circuit; to provide effective dates; to repeal conflicting laws; and for other purposes.

SB 170. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to add medical identity fraud to the provisions relating to identity fraud; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 177. By Senators Ginn of the 47th, Jeffares of the 17th, Bethel of the 54th and Jackson of the 24th:

A BILL to be entitled an Act to amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Economic Development, so as to change the membership of the Georgia Tourism Foundation; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 187. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to requirements, procedures, and conditions for verification of lawful presence within the United States, so as to provide exemptions for the board of commissioners of the Georgia Student Finance Commission and the board of directors of the Georgia Student Finance Authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 189. By Senators Millar of the 40th, Albers of the 56th, Henson of the 41st, Carter of the 1st, Staton of the 18th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to permit proprietary institutions of higher education to participate in establishing college and career academies; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 206. By Senators Cowser of the 46th, Shafer of the 48th, Chance of the 16th, Hill of the 32nd, Loudermilk of the 14th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to interstate cooperation, so as to provide for delegations from the State of Georgia to certain conventions called by the Congress of the United States for proposing amendments to the Constitution of the United States pursuant to Article V of said constitution; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

- HR 645. By Representatives Stephens of the 164th, Stephens of the 165th, Gordon of the 163rd, Bryant of the 162nd, Hitchens of the 161st and others:

A RESOLUTION recognizing and commending Dr. William James Daugherty and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 646. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending Mr. Ira Spradlin on the occasion of his retirement and inviting him to appear before the House of Representatives; and for other purposes.

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

HR 391. By Representative Waites of the 60th:

A RESOLUTION honoring the life and memory of Richard Joseph "Joey" Halford and inviting his family members to be recognized by the House of Representatives; and for other purposes.

HR 392. By Representative Waites of the 60th:

A RESOLUTION honoring the life and memory of Shawn Antonio Smiley and inviting his family members to be recognized by the House of Representatives; and for other purposes.

HR 506. By Representative Dollar of the 45th:

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

The following Resolutions of the House were read and adopted:

HR 647. By Representatives Martin of the 49th, Pruett of the 149th, Mitchell of the 88th, Douglas of the 78th and Ralston of the 7th:

A RESOLUTION recognizing and commending Sports Care Connect, State Bank and Trust, and the North Metro Football League; and for other purposes.

HR 648. By Representatives Holt of the 112th, Dickerson of the 113th, Rutledge of the 109th and Welch of the 110th:

A RESOLUTION honoring the life and memory of Charles Chester King, Jr.; and for other purposes.

HR 649. By Representative Beasley-Teague of the 65th:

A RESOLUTION recognizing and commending Ms. Rita A. Scott on her outstanding public service; and for other purposes.

HR 650. By Representatives Smith of the 70th, Epps of the 132nd and Ramsey of the 72nd:

A RESOLUTION commending Dr. Bob Heaberlin, the Association of Middle Level Education's 2012-2013 National Distinguished Educator of the Year; and for other purposes.

HR 651. By Representative Beasley-Teague of the 65th:

A RESOLUTION celebrating the 96th birthday of Jimmie "MeMa" Louton; and for other purposes.

HR 652. By Representative Nimmer of the 178th:

A RESOLUTION recognizing and commending Mr. Stetson F. Bennett, Jr., for being the longest serving Constitutional Officer in the State of Georgia; and for other purposes.

HR 653. By Representatives Williams of the 87th, Frazier of the 126th, Bentley of the 139th, Bruce of the 61st, Mayo of the 84th and others:

A RESOLUTION honoring Brother Derrick Thornton for his outstanding service as Christian Chapter Number 67 associate worthy patron; and for other purposes.

HR 654. By Representatives Rogers of the 29th, Barr of the 103rd, Hawkins of the 27th and Dunahoo of the 30th:

A RESOLUTION honoring the life and memory of Mr. Lewis Henson; and for other purposes.

HR 655. By Representatives Wilkinson of the 52nd, Willard of the 51st, Geisinger of the 48th and Lindsey of the 54th:

A RESOLUTION honoring the life and memory of Dr. William Coppedge Collins; and for other purposes.

HR 656. By Representatives Wilkinson of the 52nd, Lindsey of the 54th, Abrams of the 89th, Dollar of the 45th, O'Neal of the 146th and others:

A RESOLUTION recognizing the Building Owners and Managers Association of Georgia for 100 years of excellence serving as the premier association for the commercial real estate industry; and for other purposes.

HR 657. By Representatives Willard of the 51st, Jacobs of the 80th, Oliver of the 82nd, Weldon of the 3rd, Welch of the 110th and others:

A RESOLUTION celebrating the 30th anniversary of the magistrate court system; and for other purposes.

HR 658. By Representative Holmes of the 129th:

A RESOLUTION recognizing and commending Mr. Roger A. Harrison, the 2013 Outstanding Recent Alumni Award recipient selected by the Georgia College Alumni Association Board of Directors; and for other purposes.

HR 659. By Representatives Brooks of the 55th and Jones of the 53rd:

A RESOLUTION honoring the life and memory of Harold Hersch; and for other purposes.

HR 660. By Representatives Lindsey of the 54th and Abrams of the 89th:

A RESOLUTION commending the Rotary Club of Atlanta on its 100th anniversary and for its continued service in the community, the State of Georgia, and around the world; and for other purposes.

HR 661. By Representatives Neal of the 2nd, Oliver of the 82nd, Lindsey of the 54th, Ramsey of the 72nd, Pak of the 108th and others:

A RESOLUTION recognizing March 7, 2013, as Georgia Justice Project Day at the capitol; and for other purposes.

HR 662. By Representative Beasley-Teague of the 65th:

A RESOLUTION recognizing and commending Senator Donzella James; and for other purposes.

- HR 663. By Representative Beasley-Teague of the 65th:
A RESOLUTION recognizing and commending Representative Calvin Smyre; and for other purposes.
- HR 664. By Representative Beasley-Teague of the 65th:
A RESOLUTION recognizing and commending Representative Dorothea "Dee" Dawkins-Haigler; and for other purposes.
- HR 665. By Representative Beasley-Teague of the 65th:
A RESOLUTION recognizing and commending Senator Valencia Seay; and for other purposes.
- HR 666. By Representative Beasley-Teague of the 65th:
A RESOLUTION recognizing and commending State Representative Gloria Frazier; and for other purposes.
- HR 667. By Representative Beasley-Teague of the 65th:
A RESOLUTION recognizing and commending "Able" Mable Thomas; and for other purposes.
- HR 668. By Representative Beasley-Teague of the 65th:
A RESOLUTION recognizing and commending State Representative Lynn Smith; and for other purposes.
- HR 669. By Representatives Beasley-Teague of the 65th, Abrams of the 89th, Dawkins-Haigler of the 91st, Stephenson of the 90th, Bell of the 58th and others:
A RESOLUTION recognizing and commending Representative Tyrone L. Brooks, Sr.; and for other purposes.
- HR 670. By Representative Channell of the 120th:
A RESOLUTION commending a future leader, Rob Andrews; and for other purposes.

HR 671. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, April Watkins; and for other purposes.

HR 672. By Representative Channell of the 120th:

A RESOLUTION congratulating Mr. James Boswell English and Mrs. Janice Dianne Hartley English upon the grand occasion of their 50th wedding anniversary; and for other purposes.

HR 673. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, John Cawthon; and for other purposes.

HR 674. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, David McKoy; and for other purposes.

HR 675. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Jody Worth; and for other purposes.

HR 676. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Robert Motley; and for other purposes.

HR 677. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Charles Russell; and for other purposes.

HR 678. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Lindsay Sumner; and for other purposes.

HR 679. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Sibley Bryan III; and for other purposes.

HR 680. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Mason Third; and for other purposes.

HR 681. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Tommie Ward; and for other purposes.

HR 682. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Ramona Warren; and for other purposes.

HR 683. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Joe Watson; and for other purposes.

HR 684. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Bryce McCuin; and for other purposes.

HR 685. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Ranata Wilson; and for other purposes.

HR 686. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Deandra Lanier; and for other purposes.

HR 687. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Kendrick Harris; and for other purposes.

HR 688. By Representative Channell of the 120th:

A RESOLUTION commending a future leader, Ian Jackson; and for other purposes.

HR 691. By Representatives Williams of the 87th, Frazier of the 126th, Bentley of the 139th, Bruce of the 61st, Mayo of the 84th and others:

A RESOLUTION honoring Brother Dennis Bennett, Sr., for his outstanding service as Christian Chapter Number 67 associate worthy patron; and for other purposes.

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

HB 132. By Representatives Hawkins of the 27th, Rogers of the 29th, Watson of the 166th, Channell of the 120th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 and Chapter 11 of Title 43 of the O.C.G.A., relating to pharmacists and pharmacies and dentists, dental hygienists, and dental assistants, respectively, so as to provide that the Georgia State Board of Pharmacy and the Georgia Board of Dentistry are transferred from being administratively attached from the Secretary of State to the Department of Community Health; to provide for the powers and duties of each board; to authorize each board to employ an executive director; to provide for the powers and duties of such executive directors; to provide for additional powers of the Georgia Drugs and Narcotics Agency; to provide for a census of dentists and dental hygienists; to revise provisions relating to qualifications of applicants to practice dentistry; to provide for notice of felonies by licensees; 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 4 of Title 26 and Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies and dentists, dental hygienists, and dental assistants, respectively, so as to provide that the Georgia State Board of Pharmacy and the Georgia Board of Dentistry are transferred from being administratively attached to the Secretary of State to being divisions of the Department of Community Health; to provide for the powers and duties of each board; to authorize each board to employ an executive director; to provide for the powers and duties of such executive directors; to provide that the Georgia Drugs and Narcotics Agency may employ personnel who are not special agents and may contract with licensing boards for purposes of conducting investigations; to provide for a census of dentists and dental hygienists; to revise provisions relating to qualifications of applicants to practice dentistry; to provide for notice of felonies by licensees; to revise provisions 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:

PART I
SECTION 1-1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-5, relating to definitions, by revising paragraph (11.1) and by adding new paragraphs to read as follows:

"(3.1) 'Cognizant member' means that member of the Georgia State Board of Pharmacy who is charged with conducting investigative interviews relating to investigations involving licensees, registrants, and permit holders."

~~"(11.1) 'Division director' means the division director of the professional licensing boards division, as provided in Chapter 1 of Title 43."~~

"(15.1) 'Executive director' means the executive director appointed by the Georgia State Board of Pharmacy pursuant to Code Section 26-4-20."

SECTION 1-2.

Said chapter is further amended by revising Code Section 26-4-20, relating to the continuation of the State Board of Pharmacy and enforcement of provisions of chapter vested in board, as follows:

"26-4-20.

(a) The Georgia State Board of Pharmacy existing immediately preceding July 1, ~~1998~~ 2013, is continued in existence, and members serving on the board immediately preceding that date shall continue to serve out their terms of office and until their respective successors are appointed and qualified.

(b) The responsibility for enforcement of the provisions of this chapter shall be vested in the Georgia State Board of Pharmacy. The board shall have all of the duties, powers, and authority specifically granted by or necessary for the enforcement of this chapter, as well as such other duties, powers, and authority as it may be granted from time to time by applicable law.

(c) On and after July 1, 2013, the board shall not be under the jurisdiction of the Secretary of State but shall be a division of the Department of Community Health; provided, however, that except as otherwise specifically provided, the board shall be autonomous from the Board of Community Health and the commissioner of community health and shall exercise its quasi-judicial, rule-making, licensing, or policy-making functions independently of the department and without approval or control of the department and prepare its budget and submit its budgetary requests, if any, through the department. Such transfer shall in no way affect any existing obligations, liabilities, or rights of the board, as such existed on June 30, 2013. The board shall have with respect to all matters within the jurisdiction of the board as provided under this chapter the powers, duties, and functions of professional licensing boards as provided in Chapter 1 of Title 43.

(d) The board shall appoint and fix the compensation, which shall be approved by the Board of Community Health, of an executive director of such board who shall serve at the pleasure of the board.

(e) The venue of any action involving members of the board shall be the county in which is found the primary office of the board. The executive director of the board shall not be considered a member of the board in determining the venue of any such action, and no court shall have jurisdiction over any such action solely by virtue of the executive director residing or maintaining a residence within its jurisdiction."

SECTION 1-3.

Said chapter is further amended in Code Section 26-4-21, relating to eligibility requirements for board members, by revising subsection (c) as follows:

"(c) Appointees to the board shall immediately after their appointment take and subscribe to an oath or affirmation before a qualified officer that they will faithfully and impartially perform the duties of the office, ~~which~~ and the oath shall be filed with the ~~Secretary of State~~ Office of the Governor, whereupon the ~~Secretary of State~~ Office of the Governor shall issue to each appointee a certificate of appointment."

SECTION 1-4.

Said chapter is further amended in Code Section 26-4-22, relating to the number and terms of members, appointment, and vacancies, by revising subsection (a) as follows:

"(a) The board shall consist of seven members possessing the qualification specified in subsection (a) of Code Section 26-4-21 and one additional member possessing the qualifications specified in subsection (b) of Code Section 26-4-21 who shall be appointed by the Governor and confirmed by the Senate for a term of five years or until their successors are appointed and qualified. Pharmacist members shall represent a diversity of practice settings and geographic dispersion of practitioners across ~~the~~ this state."

SECTION 1-5.

Said chapter is further amended by revising Code Section 26-4-23, relating to removal of board members, as follows:

"26-4-23.

Any member who has failed to attend three consecutive regular monthly meetings of the board for any reason other than illness of such member shall be subject to removal by the Governor upon request of the board. The president of the board shall notify the Governor in writing when any such member has failed to attend three consecutive regular monthly meetings. Any member of the board may be removed by the Governor in the same manner as provided in Code Section 43-1-17."

SECTION 1-6.

Said chapter is further amended by revising Code Section 26-4-24, relating to meetings and organization, appeals, and serving of notices and legal process, as follows:

"26-4-24.

The board shall meet at least annually to organize and elect a president and a ~~vice-president~~ vice president from its members. ~~The division director shall be the secretary of the board and shall have all the power, duties, and authority with reference to such board as shall be prescribed by Chapter 1 of Title 43 and shall perform such other duties as may be prescribed by the board.~~ The vice president shall serve as the cognizant member of the board. All appeals from the decision of the board, all documents or applications required by law to be filed with the board, and any notice or legal process to be served upon the board may be filed with or served upon the ~~division director~~ executive director at his or her office in the county of domicile of the ~~professional licensing boards division board.~~

SECTION 1-7.

Said chapter is further amended by revising Code Section 26-4-25, relating to compensation of board members, as follows:

"26-4-25.

Each member of the board ~~shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2~~ may receive the expense allowance as provided by subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a personal car as that received by other state officials and employees or a travel allowance of actual transportation costs if traveling by public carrier within this state. Each board member shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his or her duties as a board member. For each day's service outside of this state as a board member, such member shall receive actual expenses as an expense allowance as well as the mileage allowance for the use of a personal car equal to that received by other state officials and employees or a travel allowance of actual transportation costs if traveling by public carrier or by rental motor vehicle. Expense vouchers submitted by board members shall be subject to approval of the president and

executive director. Out-of-state travel by board members shall be approved by the board president and the executive director."

SECTION 1-8.

Said chapter is further amended by revising Code Section 26-4-26, relating to meetings, notice, quorum, and open meetings, as follows:

"26-4-26.

(a) ~~The~~ To transact its business, the board shall meet on a regular basis to transact its business hold regular meetings at least once each month unless, in the discretion of the president, it is deemed unnecessary for a particular month. The board shall meet at such additional times as it may determine. Such additional meetings may be called by the president of the board or by at least two-thirds of the members of the board.

(b) Notice of all meetings of the board shall be given in the manner and pursuant to requirements prescribed by Chapter 14 of Title 50 relating to open meetings.

(c) A majority of the members of the board shall constitute a quorum for the conduct of a board meeting and, except where a greater number is required by this chapter or by any rule of the board, all actions of the board shall be by a majority of a quorum.

(d) Meetings and hearings of the board shall be held at the site of the office of the board or at such other site as may be specified by the president of the board.

~~(d)~~(e) All board meetings and hearings shall be open to the public. The board may, in its discretion and according to law, conduct any portion of its meeting in executive session closed to the public.

(f) Proceedings before the board wherein a licensee's or permit holder's right to practice pursuant to this chapter in this state is terminated, suspended, or limited or wherein a public reprimand is administered shall require prior notice to the licensee and an opportunity for hearing; and such proceedings shall be considered contested cases within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Neither refusal of a license or permit nor a private reprimand nor a letter of concern shall be considered a contested case within the meaning of Chapter 13 of Title 50; provided, however, that the applicant shall be allowed to appear before the board, if the applicant so requests, prior to the board making a final decision regarding the issuance of the license or permit. The power to subpoena as set forth in Chapter 13 of Title 50 shall include the power to subpoena any relevant book, writing, paper, or document. If any licensee or permit holder fails to appear at any hearing after reasonable notice, the board may proceed to hear the evidence against such licensee or permit holder and take action as if such licensee or permit holder had been present."

SECTION 1-9.

Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and authority of the State Board of Pharmacy, by revising paragraphs (20) and (21) of subsection (a), by adding new paragraphs to subsection (a), and by revising subsection (b) as follows:

"(20) The requiring of background checks, including, but not limited to, criminal history record checks, on any persons or firms applying for licensure or registration pursuant to this chapter; ~~and~~

(21) Serving as the sole governmental or other authority which shall have the authority to approve or recognize accreditation or certification programs for specialty pharmacy practice or to determine the acceptability of entities which may accredit pharmacies or certify pharmacists in a specialty of pharmacy practice, and the board may require such accreditation or certification as a prerequisite for specialty or advanced pharmacy practice. Such accreditation and certification standards for specialties shall be set forth in rules promulgated by the board with such rules to contain the required qualifications or limitations. Any accreditation or certification for specialty pharmacy practice approved or recognized by the board shall be deemed sufficient to meet any and all standards, licensure, or requirements, or any combination thereof, otherwise set forth by any private entity or other government agency to satisfy its stated goals and standards for such accreditation or certification. Nothing in this paragraph shall prohibit private entities, government agencies, professional organizations, or educational institutions from submitting accreditation or certification programs for the review and potential approval or recognition by the board. Accreditation and certification for specialty pharmacy practice under this paragraph shall be subject to the following conditions:

(A) Applications shall be submitted as set forth in rules promulgated or approved by the board for accreditation or certification;

(B) Only a pharmacist registered by this state and maintaining an active license in good standing is eligible for certification in a specialty pharmacy practice by the board;

(C) Only a pharmacy registered by this state and maintaining an active license in good standing is eligible for accreditation for specialty pharmacy practice by the board;

(D) Any board approved or recognized accreditation for a specialty pharmacy practice of a pharmacy is to be deemed sufficient and shall satisfy any standards or qualifications required for payment of services rendered as set forth by any insurance company, carrier, or similar third-party payor plan in any policy or contract issued, issued for delivery, delivered, or renewed on or after July 1, 1999;

(E) Any board approved or recognized specialty certification issued to a pharmacist is deemed sufficient and shall satisfy any standards or qualifications required for payment of services rendered as set forth by any insurance company, carrier, or similar third-party payor plan in any policy or contract issued, issued for delivery, delivered, or renewed on or after July 1, 1999; and

(F) The board may deny, revoke, limit, suspend, probate, or fail to renew the accreditation or specialty certification of a pharmacy, pharmacist, or both for cause as set forth in Code Section 26-4-60 or for a violation of Chapter 13 of Title 16 or if the board determines that a pharmacy, pharmacist, or both, no longer meet the accreditation or certification requirements of the board. Before such action, the

board shall serve upon the pharmacist in charge of a pharmacy or pharmacist an order to show cause why accreditation or certification should not be denied, revoked, limited, suspended, or probated or why the renewal should not be refused. The order to show cause shall contain a statement for the basis therefor and shall call upon the pharmacist in charge of a pharmacy, the pharmacist, or both, to appear before the board at a time and place not more than 60 days after the date of the service of the order;

(22) To adopt a seal by which the board shall authenticate the acts of the board;

(23) To keep a docket of public proceedings, actions, and filings;

(24) To set its office hours;

(25) To require licensees and permit holders to report a change of business address or personal address within ten days of the change in either address;

(26) To adopt necessary rules concerning proceedings, hearings, review hearings, actions, filings, depositions, and motions related to uncontested cases;

(27)(A) To authorize the Georgia Drugs and Narcotics Agency to conduct inspections and initiate investigations on its behalf for the purpose of discovering violations of this chapter, Chapter 3 of this title, and Chapter 13 of Title 16.

(B) When conducting investigations and inspections on behalf of the board, the Georgia Drugs and Narcotics Agency shall have the same access to and may examine any relevant writing, document, or other material relating to any licensee, registrant, permittee, or applicant as the board. The executive director may issue subpoenas to compel access to any writing, document, or other material upon a determination that reasonable grounds exist for the belief that a violation of this chapter, Chapter 3 of this title, Chapter 13 of Title 16, or any other law relating to the practice of pharmacy may have taken place. The results of all investigations and inspections initiated by the Georgia Drugs and Narcotics Agency which relate to an individual licensed or permitted by the board shall be reported by the Georgia Drugs and Narcotics Agency to the board, and the records of such investigations shall be kept for the board by the director of the Georgia Drugs and Narcotics Agency, and the board shall retain the right to have access to such records at any time. Notwithstanding the provisions of this subparagraph, Code Section 16-13-60 shall control the access to or release of information.

(C) Nothing in this chapter shall be construed to prohibit or limit the authority of the executive director or the director of the Georgia Drugs and Narcotics Agency to conduct inspections and initiate investigations on its own initiative for the purpose of discovering violations of this chapter, Chapter 3 of this title, and Chapter 13 of Title 16 and disclose such information to any law enforcement agency or prosecuting attorney. Notwithstanding the provisions of this subparagraph, Code Section 16-13-60 shall control the access to or release of information.

(D) The executive director or the director of the Georgia Drugs and Narcotics Agency may also disclose to any person or entity information concerning the existence of any investigation for unlicensed practice being conducted against any person who is neither licensed nor an applicant for licensure by the board;

(28) To administer oaths, subpoena witnesses and documentary evidence, including relevant medical records, and take testimony in all matters relating to its duties;

(29) To conduct hearings, reviews, and other proceedings according to Chapter 13 of Title 50;

(30) To have the cognizant member of the board conduct investigative interviews in conjunction with the Georgia Drugs and Narcotics Agency and thereafter to report his or her findings, with recommendations, to the board. In order to obtain a nonprejudicial decision, such report and recommendations shall not disclose the identity of the subject of the investigation. The cognizant member shall not vote on matters which he or she has presented to the board as the cognizant member;

(31) To issue cease and desist orders to stop the unlicensed practice of pharmacy or other professions licensed, certified, or permitted under this chapter and impose penalties for such violations;

(32) To refer cases for criminal prosecution or injunctive relief to appropriate prosecuting attorneys or other law enforcement authorities of this state, another state, or the United States;

(33) To release investigative or applicant files to another enforcement agency or lawful licensing authority in another state;

(34) To sue and be sued in a court of competent jurisdiction;

(35) To enter into contracts;

(36) To assess fines for violations of this chapter or board rules; and

(37) To set all reasonable fees by adoption of a schedule of fees approved by the board. The board shall set such fees sufficient to cover costs of operation.

(b) Proceedings by the board in the exercise of its authority to cancel, suspend, or revoke any license issued under the terms of this chapter shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' In all such proceedings, the board shall have authority to compel the attendance of witnesses and the production of any book, writing, or document upon the issuance of a subpoena therefor signed by the secretary of the board. In any hearing in which the fitness of a licensee or applicant to practice pharmacy or another business or profession licensed by the board under this chapter is in question, the board may exclude all persons from its deliberation of the appropriate action to be taken and may, when it deems it necessary, speak to a licensee or applicant and his or her legal counsel in private."

SECTION 1-10.

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

"26-4-28.1.

(a) The executive director:

(1) Shall be a full-time employee of the board and shall serve as the chief executive officer and secretary of the board. Any person, in order to qualify for appointment as the executive director, shall be of good moral character and shall possess such qualifications as the board may require. The executive director shall have, with

respect to the board, the same powers, duties, and functions granted to the division director with respect to professional licensing boards under Chapter 1 of Title 43 but shall not be subject to any approval or other powers exercised by the Secretary of State;

(2) With the approval of the board, may employ or contract with and fix the compensation of administrative assistants, secretaries, and any other such staff as deemed necessary to assist in the duties of the board. The director of the Georgia Drugs and Narcotics Agency shall serve as the assistant executive director, who shall act on behalf of the executive director in his or her absence. The executive director and other board staff shall be allowed reimbursement for travel and other expenses necessarily incurred in the performance of their duties in the same manner as other state officers and employees, and shall receive payment of the same in the manner provided for the board;

(3) Shall take an oath to discharge faithfully the duties of the office; and

(4) Shall be charged with the duties and powers as prescribed by the board.

(b) The executive director shall prepare and maintain a public roster containing the names and business addresses of all current licensees, registration holders, and permit holders for each of the various registrants regulated by the board. A copy of the roster shall be available to any person upon request at a fee prescribed by the board sufficient to cover the cost of printing and distribution. The following shall be treated as confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and shall not be disclosed without the approval of the board:

(1) Applications and other personal information submitted by applicants, except to the applicant, the staff, and the board;

(2) Information, favorable or unfavorable, submitted by a reference source concerning an applicant, except to the staff and the board;

(3) Examination questions and other examination materials, except to the staff and the board; and

(4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes; provided, however, that such deliberations may be released to a law enforcement agency or prosecuting attorney of this state or to another state or federal enforcement agency or lawful licensing authority. Releasing the documents pursuant to this paragraph shall not subject any otherwise privileged documents to the provisions of Code Section 50-18-70.

26-4-28.2.

Any licensee, registration holder, or permit holder who is convicted under the laws of this state, the United States, or any other state, territory, or country of a felony shall be required to notify the board of the conviction within ten days of the conviction. The failure to notify the board of a conviction shall be considered grounds for revocation of his or her license, registration, permit, or other authorization to engage in the practice of pharmacy or another profession regulated under this chapter."

SECTION 1-11.

Said chapter is further amended by revising Code Section 26-4-29, relating to the Georgia Drugs and Narcotics Agency, continuance, appointment, requirements, and duties of director, power to make arrests, report of violations of drug laws, and dangerous drug list, as follows:

"26-4-29.

(a) The agency created in 1908 as the Office of the Chief Drug Inspector and known as the Georgia Drugs and Narcotics Agency since 1976 is continued in existence as the Georgia Drugs and Narcotics Agency. This agency shall be a budget unit as defined under Code Section 45-12-71; provided, however, that the agency shall be assigned for administrative purposes only, as defined in Code Section 50-4-3, to the ~~office of the Secretary of State~~ Department of Community Health, except that such department shall prepare and submit the budget for the Georgia Drugs and Narcotics Agency. The Georgia Drugs and Narcotics Agency is authorized by this Code section to enforce the drug laws of this state. The board shall appoint a director who shall be charged with supervision and control of such agency. The Georgia Drugs and Narcotics Agency ~~agency~~ shall employ the number of personnel deemed necessary to properly protect the health, safety, and welfare of the citizens of this state. Such personnel shall be pharmacists registered in this state when employed as either special agents or the deputy director.

(b) The director shall hold office at the pleasure of the board, and should any vacancy occur in ~~said~~ such office for any cause whatsoever, ~~said~~ the board shall appoint a successor at a regular or called meeting. The director shall be a pharmacist registered in this state. The director shall serve as the assistant executive director for the board and act on behalf of the executive director during his or her absence. The salary of the director shall be fixed by the board. The whole time of the director shall be at the disposal of the board. The director, or Georgia Drugs and Narcotics Agency ~~agency~~ personnel acting on behalf of the director, shall have the duty and the power to:

- (1) Visit and inspect factories, warehouses, wholesaling establishments, retailing establishments, chemical laboratories, and such other establishments in which any drugs, devices, cosmetics, and such articles known as family remedies, grocer's drugs, and toilet articles are manufactured, processed, packaged, sold at wholesale, sold at retail, or otherwise held for introduction into commerce;
- (2) Enter and inspect any vehicle used to transport or hold any drugs, devices, cosmetics, or any of the articles listed in paragraph (1) of this subsection;
- (3) Investigate alleged violations of laws and regulations regarding drugs, devices, cosmetics, or any of the articles listed in paragraph (1) of this subsection;
- (4) Take up samples of the articles listed in paragraph (1) of this subsection from any of ~~the said~~ such establishments for examination and analysis by the state chemist, or under such person's direction and supervision, as provided by Code Section 26-4-131;
- (5) Seize and take possession of all articles which are declared to be contraband under Chapter 13 of Title 16 and Chapter 3 of this title and this chapter and deliver such articles to the agency;

(6) Compel the attendance of witnesses and the production of evidence on behalf of the board via a subpoena issued by the director, when there is reason to believe any violations of laws or regulations concerning drugs, devices, cosmetics, or any of the articles listed in paragraph (1) of this subsection have occurred; and

(7) Perform such other duties as may be directed by the board.

(c)(1) The director, deputy director, and special agents of the Georgia Drugs and Narcotics Agency shall have the authority and power that sheriffs possess to make arrests of any persons violating or charged with violating Chapter 13 of Title 16 and Chapter 3 of this title and this chapter. The deputy director and special agents shall be required to be P.O.S.T. certified peace officers under Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

(2) In case of such arrest, the director, deputy director, or any of the special agents shall immediately deliver the person so arrested to the custody of the sheriff of the county wherein the offense is alleged to have been committed. The duty of the sheriff in regard to the person delivered to the sheriff by any such person arrested under power of this Code section shall be the same as if the sheriff had made the original arrest.

~~(e-1)~~(d) When the deputy director or a special agent employed by the Georgia Drugs and Narcotics Agency leaves the agency under honorable conditions after accumulating 25 years of service in the agency, as a result of a disability arising in the line of duty, or pursuant to approval by the State Board of Pharmacy, such director or agent shall be entitled to retain his or her weapon and badge pursuant to approval by the State Board of Pharmacy, and, upon leaving the agency, the director of the Georgia Drugs and Narcotics Agency shall retain his or her weapon and badge pursuant to approval by the State Board of Pharmacy.

(e) The Georgia Drugs and Narcotics Agency may employ personnel who are not special agents to conduct and assist with inspections.

~~(d)~~(f) Except as otherwise provided in this chapter, upon receiving a summary report from agency personnel, the director shall report to the board what have been determined to be violations of the drug laws and rules over which the board has authority. After such reports have been made to the board, the board ~~can~~ may instruct the director to:

(1) Cite any such person or establishment to appear before the cognizant member of the board for an investigative interview;

(2) Forward such reports to the Attorney General's office for action decided on by the board; or

(3) Take whatever other action the board deems necessary.

(g) The Georgia Drugs and Narcotics Agency may contract with and submit invoices for payment of services rendered to other professional licensing boards for the purposes of conducting investigations on their behalf and under the authority of such other professional licensing boards. Such investigations and subsequent reports and summaries shall be subject to the same confidentiality restrictions and disclosure as required for investigations and reports for the requesting professional licensing board.

Any such payment of services received by the agency shall be deposited into the general fund of the state treasury.

~~(e)~~(h) The Georgia Drugs and Narcotics Agency shall compile and submit to the General Assembly during each annual legislative session a list of known dangerous drugs as defined in subsection (a) of Code Section 16-13-71 and any other drugs or devices which the board has determined may be dangerous or detrimental to the public health and safety and should require a prescription, and the Georgia Drugs and Narcotics Agency shall assist the State Board of Pharmacy during each annual legislative session by compiling and submitting a list of substances to add to or reschedule substances enumerated in the schedules in Code Sections 16-13-25 through 16-13-29 by using the guidelines set forth in Code Section 16-13-22.

~~(4)~~(i) The State Board of Pharmacy is authorized and directed to publish in print or electronically and distribute the 'Dangerous Drug List' as prepared by the Georgia Drugs and Narcotics Agency and the 'Georgia Controlled Substances Act' as enacted by law.

~~(2)~~(j) The Georgia State Board of Pharmacy shall provide for a fee as deemed reasonable, or at no cost, such number of copies of the 'Dangerous Drug List' and 'Georgia Controlled Substances Act' to law enforcement officials, school officials, parents, and other interested citizens as are required."

SECTION 1-12.

Said chapter is further amended by revising Code Section 26-4-43, relating to temporary licenses, as follows:

"26-4-43.

A temporary license may be issued by the ~~division director~~ executive director upon the approval of the president of the board if an applicant produces satisfactory evidence of fulfilling the requirements for licensure under this article, except the examination requirement, and evidence of an emergency situation justifying such temporary license. All temporary licenses shall expire at the end of the month during which the first board meeting is conducted following the issuance of such license and may not be reissued or renewed."

SECTION 1-13.

Said chapter is further amended in Code Section 26-4-44, relating to renewal of licenses, by revising subsection (a) as follows:

"(a) Each pharmacist shall apply for renewal of his or her license biennially pursuant to the rules and regulations promulgated by the board. A pharmacist who desires to continue in the practice of pharmacy in this state shall file with the board an application in such form and containing such data as the board may require for renewal of the license. Notice of any change of employment or change of business address shall be filed with the ~~division director~~ executive director within ten days after such change. If the board finds that the applicant has been licensed and that such license has not been revoked or placed under suspension and that the applicant has paid the renewal fee, has

continued his or her pharmacy education in accordance with Code Section 26-4-45 and the rules and regulations of the board, and is entitled to continue in the practice of pharmacy, then the board shall issue a license to the applicant."

SECTION 1-14.

Said chapter is further amended by revising Code Section 26-4-45, relating to continuing professional pharmaceutical education requirements, as follows:

"26-4-45.

The board shall establish a program of continuing professional pharmaceutical education for the renewal of pharmacist licenses. Notwithstanding any other provision of this chapter, no pharmacist license shall be renewed by the board or the ~~division director~~ executive director until the pharmacist submits to the board satisfactory proof of his or her participation, during the biennium preceding his or her application for renewal, in a minimum of 30 hours of approved programs of continuing professional pharmacy education as defined in this Code section. Continuing professional pharmacy education shall consist of educational programs providing training pertinent to the practice of pharmacy and approved by the board under this Code section. The board shall approve educational programs for persons practicing pharmacy in this state on a reasonable nondiscriminatory fee basis and may contract with institutions of higher learning, professional organizations, or qualified individuals for the providing of approved programs. In addition to such programs, the board shall allow the continuing professional pharmacy education requirement to be fulfilled by the completion of approved correspondence courses which provide the required hours of approved programs of continuing professional pharmaceutical education or to be fulfilled by a combination of approved correspondence courses and other approved educational programs. The board may, consistent with the requirements of this Code section, promulgate rules and regulations to implement and administer this Code section, including the establishment of a committee to prescribe standards, approve and contract for educational programs, and set the required minimum number of hours per year."

SECTION 1-15.

Said chapter is further amended in Code Section 26-4-49, relating to drug researcher permits, application for registration, fees, suspension or revocation, and penalty for violations, by revising subsection (b) as follows:

"(b) The board may require that the application for registration as a drug researcher be accompanied by a fee in an amount established under rules promulgated by the board, and the board may establish conditions for exemptions from such fees. Such registration shall not be transferable and shall expire on the expiration date established by the ~~division director~~ executive director and may be renewed pursuant to rules and regulations promulgated by the board. If not renewed, the registration shall lapse and become null and void."

SECTION 1-16.

Said chapter is further amended by revising Code Section 26-4-60, relating to grounds for suspension, revocation, or refusal to grant licenses, as follows:

"26-4-60.

(a) The board of pharmacy may refuse to issue or renew, or may suspend, revoke, or restrict the licenses of, or fine any person pursuant to the procedures set forth in this Code section, upon one or more of the following grounds:

(1) ~~Unprofessional conduct as that term is defined by the rules of the board~~ Engaging in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice pharmacy or another business or profession licensed under this chapter, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of pharmacy or another licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practices of the business or profession licensed under this chapter;

(2) Incapacity that prevents a licensee from engaging in the practice of pharmacy or another business or profession licensed under this chapter with reasonable skill, competence, and safety to the public;

(3) ~~Being guilty of one or more of the following:~~

(A) ~~A~~ Convicted of a felony;

(B) ~~Any act~~ Convicted of any crime involving moral turpitude in this state or any other state, territory, or country or in the courts of the United States; or

(C) ~~Violations~~ Convicted or guilty of violations of the pharmacy or drug laws of this state, or rules and regulations pertaining thereto, or of laws, rules, and regulations of any other state, or of the federal government;

(4) ~~Misrepresentation of a material fact by a licensee in securing the issuance or renewal of a license~~ Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this chapter or on any document connected therewith; practicing fraud or deceit or intentionally making any false statement in obtaining a license to practice the licensed business or profession; or making a false statement or deceptive registration with the board;

(5) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license falsely using the title of 'pharmacist' or 'pharmacy intern,' or falsely using the term 'pharmacy' in any manner;

(6) Failing to pay the costs assessed in a disciplinary hearing pursuant to subsection (c) of Code Section 26-4-28;

(7)(A) Becoming unfit or incompetent to practice pharmacy by reason of:

(i) Intemperance in the use of alcoholic beverages, narcotics, or habit-forming drugs or stimulants; or

(ii) Any abnormal physical or mental condition which threatens the safety of persons to whom such person may compound or dispense prescriptions, drugs, or devices or for whom he or she might manufacture, prepare, or package or supervise the manufacturing, preparation, or packaging of prescriptions, drugs, or devices.

(B) In enforcing this paragraph, the board may, upon reasonable grounds, require a licensee or applicant to submit to a mental or physical examination by licensed health care providers designated by the board. The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary rule of law or statute, including, but not limited to, Code Section ~~24-9-21~~ 24-5-501. Every person who ~~shall accept~~ accepts the privilege of practicing pharmacy in this state or who ~~shall file~~ files an application for a license to practice pharmacy in this state shall be deemed to have given his or her consent to submit to such mental or physical examination and to have waived all objections to the admissibility of the results in any hearing before the board, upon the grounds that the same constitutes a privileged communication. If a licensee or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond his or her control, the board may enter a final order upon proper notice, hearing, and proof of such refusal. Any licensee or applicant who is prohibited from practicing pharmacy under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that he or she can resume or begin the practice of pharmacy with reasonable skill and safety to patients.

(C) For the purposes of this paragraph, the board may, upon reasonable grounds, obtain any and all records relating to the mental or physical condition of a licensee or applicant, including psychiatric records; and such records shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary rule of law or statute, including, but not limited to, Code Section ~~24-9-21~~ 24-5-501. Every person who ~~shall accept~~ accepts the privilege of practicing pharmacy in this state or who ~~shall file~~ files an application for a license to practice pharmacy in this state shall be deemed to have given his or her consent to the board's obtaining any such records and to have waived all objections to the admissibility of such records in any hearing before the board, upon the grounds that the same constitutes a privileged communication.

(D) If any licensee or applicant could, in the absence of this paragraph, invoke a privilege to prevent the disclosure of the results of the examination provided for in subparagraph (B) of this paragraph or the records relating to the mental or physical condition of such licensee or applicant obtained pursuant to subparagraph (C) of this paragraph, all such information shall be received by the board in camera and shall not be disclosed to the public, nor shall any part of the record containing such information be used against any licensee or applicant in any other type of proceeding;

(8) ~~Being adjudicated to be mentally ill or insane~~ adjudged mentally incompetent by a court of competent jurisdiction within or outside this state; any such adjudication shall automatically suspend the license of any such person and shall prevent the reissuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect;

(9) Violating any rules and regulations promulgated by the board;

(10) Promoting to the public in any manner a drug which may be dispensed only pursuant to prescription;

(11) Regularly employing the mails or other common carriers to sell, distribute, and deliver a drug which requires a prescription directly to a patient; provided, however, that this provision shall not prohibit the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to:

(A) A patient or directly to a patient's guardian or caregiver or a physician or physician acting as the patient's agent for whom the prescription drug was prescribed if:

(i) Such prescription drugs are prescribed for complex chronic, terminal, or rare conditions;

(ii) Such prescription drugs require special administration, comprehensive patient training, or the provision of supplies and medical devices or have unique patient compliance and safety monitoring requirements;

(iii) Due to the prescription drug's high monetary cost, short shelf life, special manufacturer specified packaging and shipping requirements or instructions which require temperature sensitive storage and handling, limited availability or distribution, or other factors, the drugs are not carried in the regular inventories of retail pharmacies such that the drugs could be immediately dispensed to multiple retail walk-in patients;

(iv) Such prescription drug has an annual retail value to the patient of more than \$10,000.00;

(v) The patient receiving the prescription drug consents to the delivery of the prescription drug via expedited overnight common carrier and designates the specialty pharmacy to receive the prescription drug on his or her behalf;

(vi) The specialty pharmacy utilizes, as appropriate and in accordance with standards of the manufacturer, United States Pharmacopeia, and Federal Drug Administration and other standards adopted by the State Board of Pharmacy, temperature tags, time temperature strips, insulated packaging, or a combination of these; and

(vii) The specialty pharmacy establishes and notifies the enrollee of its policies and procedures to address instances in which medications do not arrive in a timely manner or in which they have been compromised during shipment and to assure that the pharmacy replaces or makes provisions to replace such drugs;

(B) An institution or to sell, distribute, or deliver prescription drugs, upon his or her request, to an enrollee in a health benefits plan of a group model health maintenance organization or its affiliates by a pharmacy which is operated by that same group

model health maintenance organization and licensed under Code Section 26-4-110 or to a patient on behalf of a pharmacy. Any pharmacy using the mails or other common carriers to dispense prescriptions pursuant to this paragraph shall comply with the following conditions:

- (i) The pharmacy shall provide an electronic, telephonic, or written communications mechanism which reasonably determines whether the medications distributed by the mails or other common carriers have been received by the enrollee and through which a pharmacist employed by the group model health maintenance organization or a pharmacy intern under his or her direct supervision is enabled to offer counseling to the enrollee as authorized by and in accordance with his or her obligations under Code Section 26-4-85, unless the enrollee refuses such consultation or counseling pursuant to subsection (e) of such Code section. In addition, the enrollee shall receive information indicating what he or she should do if the integrity of the packaging or medication has been compromised during shipment;
- (ii) In accordance with clinical and professional standards, the State Board of Pharmacy shall promulgate a list of medications which may not be delivered by the mails or other common carriers. However, until such list is promulgated, the group model health maintenance organization shall not deliver by use of the mails or other common carriers Class II controlled substance medications, medications which require refrigeration, chemotherapy medications deemed by the federal Environmental Protection Agency as dangerous, medications in suppository form, and other medications which, in the professional opinion of the dispensing pharmacist, may be clinically compromised by distribution through the mail or other common carriers;
- (iii) The pharmacy shall utilize, as appropriate and in accordance with standards of the manufacturer, United States Pharmacopeia, and Federal Drug Administration and other standards adopted by the State Board of Pharmacy, temperature tags, time temperature strips, insulated packaging, or a combination of these; and
- (iv) The pharmacy shall establish and notify the enrollee of its policies and procedures to address instances in which medications do not arrive in a timely manner or in which they have been compromised during shipment and to assure that the pharmacy replaces or makes provisions to replace such drugs.

For purposes of this subparagraph ~~(B) of this paragraph~~, the term 'group model health maintenance organization' means a health maintenance organization that has an exclusive contract with a medical group practice to provide or arrange for the provision of substantially all physician services to enrollees in health benefits plans of the health maintenance organization; or

(C) A pharmacist or pharmacy to dispense a prescription and deliver it to another pharmacist or pharmacy to make available for a patient to receive the prescription and patient counseling according to Code Section 26-4-85. The State Board of

Pharmacy shall adopt any rules and regulations necessary to implement this subparagraph;

(12) Unless otherwise authorized by law, dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without the prior authorization of the practitioner ordering or prescribing the same;

(13) Violating or attempting to violate a statute, law, or any lawfully promulgated rule or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, ~~which~~ when such statute, law, rule, or regulation relates to or in part regulates the practice of pharmacy or another business or profession licensed under this chapter, when the licensee or applicant knows or should know that such action is ~~violative of~~ violates such statute, law, or rule; or violating either a public or confidential lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement; ~~or~~

(14) Having his or her license to practice pharmacy or another business or profession licensed under this chapter revoked, suspended, or annulled by any lawful licensing authority of this or any other state, having disciplinary action taken against him or her by any lawful licensing authority of this or any other state, or being denied a license or renewal by any lawful licensing authority of this or any other state.;

(15) Failure to demonstrate the qualifications or standards for a license contained in this Code section or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all the requirements for the issuance of a license, and if the board is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires; or

(16) Knowingly performing any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by the board to practice pharmacy or another business or profession licensed under this chapter or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board.

(b) The board shall have the power to suspend or revoke the license of the pharmacist in charge when a complete and accurate record of all controlled substances on hand, received, manufactured, sold, dispensed, or otherwise disposed of has not been kept by the pharmacy in conformance with the record-keeping and inventory requirements of federal law and the rules of the board.

(c) Any person whose license to practice pharmacy in this state has been suspended, revoked, or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license pursuant to rules and regulations promulgated by the board. Such petition shall be made in writing and in the form prescribed by the board. The board may, in its discretion, grant or deny such petition, or it may modify its

original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(d) Nothing in this Code section shall be construed as barring criminal prosecutions for violations of this chapter.

(e) All final decisions by the board shall be subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(f) Any individual or entity whose license to practice pharmacy is revoked, suspended, or not renewed shall return his or her license to the offices of the board within ten days after receipt of notice of such action.

(g) For purposes of this Code section, a conviction shall include a finding or verdict of guilty; or a plea of guilty, or a plea of nolo contendere, or no contest in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon.

(h) Nothing in this Code section shall be construed as barring or prohibiting pharmacists from providing or distributing health or drug product information or materials to patients which are intended to improve the health care of patients.

(i) The board shall have the power to suspend any license issued under Article 3 of this chapter when such holder is not in compliance with a court order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3. The board shall also have the power to deny the application for issuance or renewal of a license under Article 3 of this chapter when such applicant is not in compliance with a court order for child support as provided in either of such Code sections. The hearings and appeals procedures provided for in such Code sections shall be the only such procedures required to suspend or deny any license issued under Article 3 of this chapter.

(j) Nothing in this chapter shall prohibit any person from assisting any duly licensed pharmacist or practitioner in the measuring of quantities of medication and the typing of labels therefor, but excluding the dispensing, compounding, or mixing of drugs, provided that such duly licensed pharmacist or practitioner shall be physically present in the dispensing area and actually observing the actions of such person in doing such measuring and typing, and provided, further, that no prescription shall be given to the person requesting the same unless the contents and the label thereof shall have been verified by a licensed pharmacist or practitioner.

(k) The board shall have the power to suspend any license issued under Article 3 of this chapter when such holder is a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295. The board shall also have the power to deny the application for issuance or renewal of a license under Article 3 of this chapter when such applicant is a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295. The hearings and appeals procedures provided for in Code Section 20-3-295 shall be the only such procedures required to suspend or deny any license issued under Article 3 of this chapter.

(l)(1) The executive director is vested with the power and authority to make or cause to be made through employees or agents of the board or the Georgia Drugs and Narcotics Agency such investigations as he or she or the board may deem necessary

or proper for the enforcement of the provisions of this Code section and the laws relating to the practice of pharmacy and other businesses and professions licensed by the board. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The executive director or his or her appointed representative may issue subpoenas to compel access to any writing, document, or other material upon a determination that reasonable grounds exist for the belief that a violation of this Code section or any other law relating to the practice of pharmacy or other business or profession subject to regulation or licensing by the board may have taken place. Notwithstanding the provisions of this paragraph, Code Section 16-13-60 shall control the access to or release of information.

(2) If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by that licensee in his or her capacity as licensee shall be admissible at any hearing held to determine whether a violation of this chapter has taken place, regardless of any statutory privilege; provided, however, that any documentary evidence relating to a person who received those services shall be reviewed in camera and shall not be disclosed to the public.

(m) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice a business or profession licensed under this chapter, or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any person who testifies or who makes a recommendation to the board in the nature of peer review, in good faith, without fraud or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice the business or profession licensed by the board shall be immune from civil and criminal liability for so testifying.

(n) Neither the issuance of a private reprimand nor the denial of a license by reciprocity nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a previously denied license shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing within the meaning of such chapter shall not be required, but the applicant or licensee shall be allowed to appear before the board if he or she so requests. The board may resolve a pending action by the issuance of a letter of concern. Such letter shall not be considered a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be disclosed to any person except the licensee or applicant.

(o) If any licensee or applicant after reasonable notice fails to appear at any hearing of the board for that licensee or applicant, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of

the board in a disciplinary proceeding shall be served personally upon the licensee or applicant or served by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is served by certified mail or statutory overnight delivery and is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the executive director, or his or her designee, shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon the executive director, or his or her designee, shall be deemed to be service upon the licensee or applicant.

(p) Board proceedings that result in the voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of such license, subject to reinstatement in the discretion of the board. The board may restore and reissue a license to practice under this chapter and, as a condition thereof, may impose any disciplinary sanction provided by this Code section or the provisions of this chapter.

(q) This Code section shall apply equally to all licensees or applicants whether individuals, partners, or members of any other incorporated or unincorporated associations, corporations, limited liability companies, or other associations of any kind whatsoever."

SECTION 1-17.

Said chapter is further amended by revising subsection (a) of Code Section 26-4-115, relating to wholesale drug distributors, registration, fees, reports of excessive purchases, and penalty for violations, as follows:

"(a) All persons, firms, or corporations, whether located in this state or in any other state, engaged in the business of selling or distributing drugs at wholesale in this state, in the business of supplying drugs to manufacturers, compounders, and processors in this state, or in the business of a reverse drug distributor shall biennially register with the board as a drug wholesaler, distributor, reverse drug distributor, or supplier. The application for registration shall be made on a form to be prescribed and furnished by ~~said~~ the board and shall show each place of business of the applicant for registration, together with such other information as may be required by the board. The application shall be accompanied by a fee in an amount established by the board for each place of business registered by the applicant. Such registration shall not be transferable and shall expire on the expiration date established by the ~~division~~director ~~director~~ executive director. Registration shall be renewed pursuant to the rules and regulations of the board, and a renewal fee prescribed by the board shall be required. If not renewed, the registration shall lapse and become null and void. Registrants shall be subject to such rules and regulations with respect to sanitation or equipment as the board may, from time to time, adopt for the protection of the public health and safety. Such registration may be suspended or revoked or the registrant may be reprimanded, fined, or placed on probation by the board if the registrant fails to comply with any law of this state, the United States, or any other state having to do with the control of pharmacists,

pharmacies, wholesale distribution, or reverse drug distribution of controlled substances or dangerous drugs as defined in Chapter 13 of Title 16; if the registrant fails to comply with any rule or regulation promulgated by the board; or if any registration or license issued to the registrant under the federal act is suspended or revoked."

PART II
SECTION 2-1.

Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dentists, dental hygienists, and dental assistants, is amended in Code Section 43-11-1, relating to definitions, so as to add a new paragraph to read as follows:

"(6.1) 'Executive director' means the executive director appointed by the board pursuant to Code Section 43-11-2.1."

SECTION 2-2.

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

"43-11-2.1

(a) On and after July 1, 2013, the board shall not be under the jurisdiction of the Secretary of State but shall be a division of the Department of Community Health; provided, however, that except as otherwise specifically provided, the board shall be autonomous from the Board of Community Health and the commissioner of community health and shall exercise its quasi-judicial, rule-making, licensing, or policy-making functions independently of the department and without approval or control of the department and prepare its budget and submit its budgetary requests, if any, through the department. Such transfer shall in no way affect any existing obligations, liabilities, or rights of the board, as such existed on June 30, 2013. The board shall have with respect to all matters within the jurisdiction of the board as provided under this chapter the powers, duties, and functions of professional licensing boards as provided in Chapter 1 of this title.

(b) The board shall appoint and fix the compensation, which shall be approved by the Board of Community Health, of an executive director of such board who shall serve at the pleasure of the board. Any reference in this chapter to the executive director shall mean the executive director appointed pursuant to this subsection. The executive director shall have those duties and powers prescribed by the board and any power, duty, and functions granted to the division director with respect to professional licensing boards under Chapter 1 of Title 43 but shall not be subject to any approval or other powers exercised by the Secretary of State.

(c) Meetings and hearings of the board shall be held at the site of the office of the board or at such other site as may be specified by the president of the board. A majority of the members of the board shall constitute a quorum for the transaction of business of the board.

(d) The board, through the executive director, may hire investigators for the purpose of conducting investigations. Any person so employed, if a P.O.S.T. certified peace officer under Chapter 8 of Title 35, shall be considered to be a peace officer and shall have all

powers, duties, and status of a peace officer of this state; provided, however, that such investigators shall only be authorized, upon written approval of the executive director, notwithstanding Code Sections 16-11-126 and 16-11-129, to carry firearms in the performance of their duties and exercise the powers of arrest in the performance of their duties.

(e) The venue of any action involving members of the board shall be the county in which is found the primary office of the governmental entity of which the defendant is an officer. The executive director of the board shall not be considered a member of the board in determining the venue of any such action and no court shall have jurisdiction of any such action solely by virtue of the executive director residing or maintaining a residence within its jurisdiction.

(f) The board shall give point credit to veterans in the same manner as required under Code Sections 43-1-9 through 43-1-13.

(g) Initial judicial review of a final decision of the board shall be held solely in the superior court of the county of domicile of the board.

(h) The executive director shall make a report no later than December 31 of each year covering the activities of the board for that calendar year, which shall be made available to any member of the General Assembly upon request.

(i) The executive director shall prepare and maintain a roster containing the names and addresses of all current dental and dental hygiene licensees. A copy of this roster shall be available to any person upon request at a fee prescribed by the executive director sufficient to cover the cost of printing and distribution.

(j) The executive director, with the approval of the board, notwithstanding any other provisions of law to the contrary, shall enter into such contracts as are deemed necessary to carry out this chapter to provide for all services required of the board.

(k) It shall be the duty of the executive director to keep minutes and a record of all acts of the board and such other books and records as may be necessary to show the acts of the board."

SECTION 2-3.

Said chapter is further amended in Code Section 43-11-5, relating to the duty of members to notify the division director of address, as follows:

"43-11-5.

Each member of the board, upon the receipt of his or her commission, shall file with the ~~division director~~ executive director his or her post office address and thereafter a notice of any change ~~therein~~ thereof. Any notice mailed to such address by the ~~division director~~ executive director shall be deemed to comply with the requirements of this chapter as notice to him or her."

SECTION 2-4.

Said chapter is further amended in Code Section 43-11-6, relating to reimbursement of members, as follows:

"43-11-6.

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2 receive the expense allowance as provided by subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a personal car as that received by other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier within this state. Each board member shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his or her duties as a board member. For each day's service outside of the state as a board member, such member shall receive actual expenses as an expense allowance as well as the mileage allowance for the use of a personal car equal to that received by other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier or by rental motor vehicle. Expense vouchers submitted by board members are subject to approval of the president and executive director. Out-of-state travel by board members must be approved by the board president and the executive director."

SECTION 2-5.

Said chapter is further amended in Code Section 43-11-7, relating to powers and duties of the board, as follows:

"43-11-7.

The board shall perform such duties and possess and exercise such powers, relative to the protection of the public health and the control and regulation of the practice of dentistry as this chapter prescribes and confers upon it. The board shall also have the power and authority to promulgate the following powers and duties:

- (1) To adopt, amend, and repeal rules and regulations to carry out the performance of its duties as set forth in this chapter;
- (2) To examine all applicants for licenses to practice dentistry who are entitled under this chapter to be so examined and issue licenses to practice dentistry according to this chapter;
- (3) To make all necessary bylaws and rules for the governance of the board and the performance of its duties;
- (4) To have and use a common seal bearing the name 'Georgia Board of Dentistry' by which the board shall authenticate the acts of the board;
- (5) To establish rules regarding licensure including, but not limited to, inactive status as the board deems appropriate;
- (6) To issue, deny, or reinstate the licenses or permits of duly qualified applicants for licensure or permits under this chapter;
- (7) To revoke, suspend, issue terms and conditions, place on probation, limit practice, fine, require additional dental training, require dental community service, or otherwise sanction licensees, permit holders or others over whom the board has jurisdiction under this chapter;

- (8) To employ an executive director and such other staff as the board may deem necessary and appropriate to implement this chapter and provide support and who shall be subject to the same confidentiality requirements of the board;
- (9) To keep a docket of public proceedings, actions, and filings;
- (10) To set its office hours;
- (11) To set all reasonable fees by adoption of a schedule of fees approved by the board. The board shall set such fees sufficient to cover costs of operation;
- (12) To adopt necessary rules concerning proceedings, hearings, review hearings, actions, filings, depositions, and motions related to uncontested cases;
- (13) To initiate investigations for purposes of discovering violations of this chapter;
- (14) To administer oaths, subpoena witnesses and documentary evidence including dental records, and take testimony in all matters relating to its duties;
- (15) To conduct hearings, reviews, and other proceedings according to Chapter 13 of Title 50;
- (16) To conduct investigative interviews;
- (17) To issue cease and desist orders to stop the unlicensed practice of dentistry or other professions licensed or permitted under this chapter and impose penalties for such violations;
- (18) To refer cases for criminal prosecution or injunctive relief to appropriate prosecuting attorneys or other law enforcement authorities of this state, another state, or the United States;
- (19) To release investigative or applicant files to another enforcement agency or lawful licensing authority in another state;
- (20) To sue and be sued in a court of competent jurisdiction;
- (21) To enter into contracts; and
- (22) To accept donations, contributions, grants, or bequests of funds or property."

SECTION 2-6.

Said chapter is further amended in Code Section 43-11-8, relating to the board examining applicants, issuing licenses, and making bylaws and rules, as follows:

"43-11-8.

~~(a) The board shall exercise the following powers and duties:~~

~~(1) Examine all applicants for licenses to practice dentistry who are entitled under this chapter to be so examined and issue licenses to practice dentistry according to this chapter;~~

~~(2) Make all necessary bylaws and rules for the governance of the board and the performance of its duties; and~~

~~(3) Have and use a common seal bearing the name 'Georgia Board of Dentistry.'~~

~~(b) It shall be the duty of the division director to keep minutes and a record of all the acts of the board and such other books and records as may be necessary to show the acts of the board. Reserved."~~

SECTION 2-7.

Said chapter is further amended in Code Section 43-11-11, relating to a census of practicing dentists and dental hygienists and publication of names, as follows:

"43-11-11.

~~The board may, from time to time, through its members or other suitable persons, take a census of all practicing dentists and dental hygienists of any locality, city, or county in the state when it may consider it necessary for the purpose of carrying out this chapter; the board may at any time cause the names of all licensed dentists and dental hygienists in any locality, city, or county to be posted or published; and the board is authorized to pay for taking such census and posting or publishing such names.~~

(a) The board shall gather census data on each dentist and dental hygienist in this state. Such census data shall be obtained from each dentist and dental hygienist as part of the license renewal process on a biennial basis. Renewal of a license shall be contingent on completion and provision of a census questionnaire to the board. Failure by a licensee to submit the census questionnaire shall authorize the board to refuse to grant a license renewal, revoke a license, or discipline a licensee under Code Section 43-11-47.

(b) The board shall by regulation establish a standard form for the collection of census data. Such form and the census data obtained shall be available for dissemination to any member of the public.

(c) The standard form shall at a minimum request the following information from dentists renewing their license:

(1) The dentist's age and gender;

(2) Each location identified by ZIP Code in which the dentist operates a private dental practice or practices dentistry;

(3) Whether the dentist is a specialist and the specialty in which the dentist is engaged; and

(4) Whether the dentist practices dentistry full time, which shall mean 30 or more hours per week, or part time, which shall mean less than 30 hours per week.

(d) The standard form shall at a minimum request the following information from dental hygienists renewing their license:

(1) The dental hygienist's age and gender;

(2) Each location identified by ZIP Code in which the dental hygienist provides treatment services; and

(3) Whether the dental hygienist provides treatment full time, which shall mean 30 or more hours per week, or part time, which shall mean less than 30 hours per week."

SECTION 2-8.

Said chapter is further amended in Code Section 43-11-12, relating to public inspection of board records, as follows:

"43-11-12.

It shall be the duty of the ~~division director~~ executive director to keep at his or her office the minutes of the board, together with all the books and records of the board, which ~~books and records shall, except as provided in subsection (k) of Code Section 43-1-2,~~

be public records open to inspection by the public except on Sundays and legal holidays. The following shall be treated as confidential and need not be disclosed without prior approval of the board:

- (1) Applications and other personal information submitted by applicants, except to the applicant, staff, and the board;
- (2) Information, favorable or unfavorable, submitted by a reference source concerning an applicant, except to the staff and board;
- (3) Examination questions and other examination materials, except to the staff and the board; and
- (4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in the official board minutes."

SECTION 2-9.

Said chapter is further amended in Code Section 43-11-13, relating to service of orders and subpoenas of the board, as follows:

"43-11-13.

- (a) It shall be the duty of the several sheriffs, their deputies, and the constables to serve any and all lawful orders and subpoenas of the board. The board may also appoint any other person to serve any decision, order, or subpoena of the board, ~~which~~ and it shall be that person's duty ~~it shall be~~ to execute the same.
- (b) All orders and processes of the board shall be signed and attested by the ~~division director~~ executive director or the president of the board in the name of the board with its seal attached; and any notice or legal process necessary to be served upon the board may be served upon the ~~division director~~ executive director."

SECTION 2-10.

Said chapter is further amended in Code Section 43-11-40, relating to qualification of applicants for licenses to practice dentistry and criminal background check, as follows:

"43-11-40.

- (a)(1) Applicants for a license to practice dentistry must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any. Those applicants who have received a doctoral degree in dentistry from a dental school not so accredited must comply with the following requirements in order to submit an application for licensure:
 - (A) Successful completion at an accredited dental school approved by the board of the last two years of a pre-doctoral program and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and
 - (B) Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of

didactic and clinical competency as expected of a graduate of the school receiving a doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree.

(2) The board may establish by rule or regulation the requirements for documentation of an applicant's educational and personal qualifications for licensure.

(3) In order to be granted a license under this Code section, all applicants must pass a clinical examination approved by the board and a jurisprudence examination on the laws of this state and rules and regulations as they relate to the practice of dentistry as established or approved by the board, which shall be administered in the English language.

(b) All applications to the board for a license shall be made through the ~~division director~~ executive director, who shall then submit all such applications to the board.

(c) Subject to the provisions of subsection (a) of Code Section 43-11-47, applicants who have met the requirements of this Code section shall be granted licenses to practice dentistry.

(d) Application for a license under this Code section shall constitute consent for performance of a criminal background check. Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check, including but not limited to classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of a background check."

SECTION 2-11.

Said chapter is further amended in Code Section 43-11-41, relating to applications for provisional licenses to practice dentistry by credentials, as follows:

"43-11-41.

(a)(1) Applicants for a provisional license to practice dentistry by credentials must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any. Applicants must have been in full-time clinical practice, as defined by rules and regulations established by the board; full-time faculty, as defined by board rule and regulation; or a combination of both for the five years immediately preceding the date of the application and must hold an active dental license in good standing from another state. Those applicants who have received a doctoral degree in dentistry from a dental school not so accredited must comply with the following requirements in order to submit an application for provisional licensure by credentials:

(A) Successful completion at an accredited dental school approved by the board of the last two years of a pre-doctoral program ~~leading to~~ and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(B) Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of didactic and clinical competency as expected of a graduate of the school.

- (2) The board may establish by rule or regulation the requirements for documentation of an applicant's educational and personal qualifications for provisional licensure.
- (3) In order to be granted a provisional license under this Code section, all applicants must have passed a clinical examination given by a state or regional testing agency approved by the board and a jurisprudence examination on the laws of this state and rules and regulations as they relate to the practice of dentistry as established or approved by the board, which shall be administered in the English language.
- (4) The board may establish additional licensure requirements by rule and regulation.
- (b) All applications to the board for a provisional license by credentials shall be made through the ~~division director~~ executive director, who shall then submit all such applications to the board. The fee for provisional licensure by credentials shall be paid to the ~~division director~~ executive director and shall be in an amount established by the board.
- (c) Subject to the provisions of subsection (a) of Code Section 43-11-47, an applicant who has met the requirements of this Code section shall be granted a provisional license to practice dentistry, which shall be valid for two years from the date it is issued and may be renewed subject to the approval of the board.
- (d) Application for a provisional license under this Code section shall constitute consent for performance of a criminal background check. Each applicant who submits an application to the board for provisional licensure agrees to provide the board with any and all information necessary to run a criminal background check, including but not limited to classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of a background check.
- (e) Upon receipt of license, the applicant by credentials must establish active practice, as defined by rules and regulations of the board, in this state within two years of receiving such license under this Code section or the license shall be automatically revoked."

SECTION 2-12.

Said chapter is further amended in Code Section 43-11-43, relating to fees, as follows:

"43-11-43.

Each person applying for examination for a license to practice dentistry shall, at the time of making his or her application, pay to the ~~division director~~ executive director a fee to be set by the board. Each person applying for the renewal of a license or authority to practice dentistry or for the establishment of a license or authority that has been lost shall, at the time of making his or her application, pay to the ~~division director~~ executive director a fee to be set by the board. Such fee shall cover the entire service for granting or issuing licenses to practice dentistry."

SECTION 2-13.

Said chapter is further amended in Code Section 43-11-46, relating to renewal of registration, by revising subsection (a) as follows:

"(a) Every person licensed by the board to practice dentistry shall register biennially on the renewal date set by the ~~division director~~ board and shall pay to the ~~division director~~ executive director a registration fee which shall be set by the board. The board shall provide for penalty fees for late registration."

SECTION 2-14.

Said chapter is further amended in Code Section 43-11-47, relating to the refusal to grant, or revocation of, licenses, by revising paragraph (3) of subsection (a) and subsections (h) and (k) as follows:

"(3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this subsection, the term 'felony' shall include any offense which, if committed in this state, would be deemed a felony without regard to its designation elsewhere; and, as used in this subsection, the term 'conviction' shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought. Any licensee who is convicted under the laws of this state, the United States, or any other state, territory, or country of a felony shall be required to notify the board of conviction within ten days of the conviction. The failure to notify the board of a conviction shall be considered grounds for revocation of his or her license;"

"(h)(1) The ~~division director~~ executive director is vested with the power and authority to make, or cause to be made through employees or agents of the board, such investigations as he or she or the board or any district attorney may deem necessary or proper for the enforcement of the provisions of this chapter. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The ~~division director~~ executive director, the president of the board, or his or her the appointed representative of either may issue subpoenas to compel such access upon a determination that reasonable grounds exist for the belief that a violation of this chapter or any other law relating to the practice of dentistry may have taken place. Upon approval of the board, any person properly conducting an investigation on behalf of the board shall have access to and shall have the right to examine the physical premises of a dental practice.

(2) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the ~~division director~~ executive director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other than a hearing before the board, nor shall such records be subject to subpoena; provided, however, that the board shall be authorized to release such records to any law enforcement agency or prosecuting attorney or to another enforcement agency or lawful licensing authority.

(3) All records relating to any patient of a licensee who is the subject of a board inquiry shall be admissible at any hearing held to determine whether a violation of

this chapter has taken place, regardless of any statutory privilege; provided, however, that any documentary evidence relating to a patient shall be reviewed in camera and shall not be disclosed to the public.

(4) The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or applicant and the legal counsel of that licensee or applicant."

"(k) If any licensee or applicant fails to appear at any hearing after reasonable notice, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served upon the licensee or applicant by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the ~~division director~~ executive director shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon the ~~division director~~ executive director shall be deemed to be service upon the licensee or applicant."

SECTION 2-15.

Said chapter is further amended in Code Section 43-11-48, relating to the initiation of proceedings for violation of chapter, by revising subsection (b) as follows:

"(b) A record of all hearings, decisions, and orders shall be kept for the board by the ~~division director~~ executive director."

SECTION 2-16.

Said chapter is further amended in Code Section 43-11-70, relating to an examination requirement, as follows:

"43-11-70.

No person shall practice as a dental hygienist in this state until such person has passed a written and a clinical examination conducted or approved by the board. The fee for such examination shall be paid to the ~~division director~~ executive director and shall be in an amount established by the board. The board shall issue licenses and license certificates as dental hygienists to those persons who have passed the examination in a manner satisfactory to the board, ~~which~~ and the license certificate shall be posted and displayed in the place in which the hygienist is employed."

SECTION 2-17.

Said chapter is further amended in Code Section 43-11-71.1, relating to applications for licenses to practice dental hygiene by credentials, by revising subsection (b) as follows:

"(b) All applications to the board for a license by credentials shall be made through the ~~division director~~ executive director, who shall then submit all such applications to the board. The fee for licensure by credentials shall be paid to the ~~division director~~ executive director and shall be in an amount established by the board."

SECTION 2-18.

Said chapter is further amended in Code Section 43-11-73, relating to renewals, by revising subsection (a) as follows:

"(a) Every person licensed by the board to practice dental hygiene shall register biennially on the renewal date set by the ~~division director~~ executive director and shall pay to the ~~division director~~ executive director a registration fee which shall be set by the board. The board shall provide for penalty fees for late registration."

PART III
SECTION 3-1.

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

Y Clark, J	N Gordon	N Marin	Y Sharper	N Williams, E
Y Clark, V	N Gravley	Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	N 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 122, nays 46.

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

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

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

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

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

Y 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
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
Y Barr	Y Dickey	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	N 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	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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson

Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	E 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 adoption of the Resolution, the ayes were 166, nays 4.

The Resolution, having received the requisite constitutional majority, was adopted.

HB 458. By Representatives Atwood of the 179th, Williams of the 119th, Smith of the 134th, Weldon of the 3rd, Peake of the 141st and others:

A BILL to be entitled an Act to amend Code Section 44-3-94 of the Official Code of Georgia Annotated, relating to damage or destruction of units, restoration, vote not to restore, and allocation of insurance deductible, so as to change the maximum allowable casualty insurance deductible imposed by condominium associations; 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 Hatcher	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	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	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites

Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	E Golick	Y Mabra	E 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, the ayes were 170, nays 0.

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

HB 506. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th and Pezold of the 133rd:

A BILL to be entitled an Act to amend a general Act entitled "An Act to amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the superior courts," approved March 27, 2000 (Ga. L. 2000, p. 205), so as to provide for the selection of the chief judge of the Chattahoochee Judicial Circuit; to provide for terms of office; to provide for filling vacancies in such office; 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	Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y 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	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	Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
N 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	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	N 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	E Golick	Y Mabra	E Setzler	Y Williams, C
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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

HB 382. By Representatives Powell of the 171st, Lindsey of the 54th, Ehrhart of the 36th, Allison of the 8th, Dudgeon of the 25th 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 for torts, so as to limit liability for a governing authority of a school that enters into a recreational joint-use agreement with a public or private entity; to provide for definitions; to provide for specifications for a recreational joint-use agreement; to provide for applicability; 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 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, so as to limit liability for a governing authority of a school that enters into a recreational joint-use agreement with a public or private entity; to provide for definitions; to provide for specifications for a recreational joint-use agreement; to provide for applicability; 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 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, is amended by adding a new Code section to read as follows:

"51-1-52.

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

(1) 'Facilities' means a school's buildings, fixtures, and equipment, including, but not limited to, classrooms, libraries, rooms and space for physical education, space for fine arts, restrooms, specialized laboratories, cafeterias, media centers, building equipment, building fixtures, furnishings, gardens, tracks, stadiums, and other facilities or portions of facilities used primarily for athletic competition.

(2) 'Public entity' means an entity other than the state or its departments, institutions, agencies, commissions, councils, authorities, boards, bureaus, or any other entity of the state.

(3) 'Recreational joint-use agreement' means a written agreement between the governing authority of a school and a public entity or private entity authorizing such entity to access the facilities of a school under the governing authority's jurisdiction for the purposes of conducting or engaging in recreational, physical, or performing arts activity.

(4) 'School' means any public pre-kindergarten, elementary school, or secondary school.

(b) A recreational joint-use agreement shall:

(1) Set forth the terms and conditions of the use of a facility;

(2) Include a hold harmless provision in favor of the governing authority;

(3) Be revocable at any time by the governing authority of the school;

(4) Require the public entity or private entity to maintain and provide proof of a minimum of \$1 million in liability insurance coverage applicable to the use of the facilities and effective for the duration of such agreement; and

(5) Provide a citation that such agreement shall be governed by this Code section.

(c) The governing authority of a school that enters into a recreational joint-use agreement which complies with subsection (b) of this Code section shall not be deemed to have waived its sovereign immunity as to damages to persons or property arising out of or resulting from such recreational joint-use agreement.

(d) Code Section 51-12-33 shall not apply to claims for civil damages arising from the use of a school's facilities pursuant to a recreational joint-use agreement.

(e) This Code section shall apply to causes of action arising on or after July 1, 2013."

SECTION 2.

This Act shall become effective on July 1, 2013.

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	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	Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	E Golick	Mabra	E 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 passage of the Bill, by substitute, the ayes were 170, nays 0.

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

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

SB 210. By Senators Tolleson of the 20th, Jeffares of the 17th, Miller of the 49th, Crosby of the 13th, Harper of the 7th and others:

A BILL to be entitled an Act to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to repeal Chapter 6A, relating to land conservation; to create the Georgia Legacy Program; to provide for legislative intent; to create conservation funding mechanisms and provide for their operation; to establish procedural requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 226. By Senators Gooch of the 51st, Jackson of the 24th, Wilkinson of the 50th, Bethel of the 54th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to coroners, so as to change certain provisions relating to investigation fees; to provide for changes to compensation options of coroners; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 234. By Senators Jones of the 25th, Murphy of the 27th, Millar of the 40th, Ginn of the 47th, Golden of the 8th and others:

A BILL to be entitled an Act to amend Code Section 33-23-12 of the Official Code of Georgia Annotated, relating to limited licenses, so as to provide for the comprehensive revision of provisions regarding the issuance and regulation of limited licenses to sell travel insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 243. By Senators Bethel of the 54th, Jeffares of the 17th, Millar of the 40th and Carter of the 42nd:

A BILL to be entitled an Act to amend Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student scholarship organizations, so as to change certain provisions relating to definitions; to change certain provisions relating to requirements for such organizations; to change certain provisions relating to taxation reporting requirements for such organizations; to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income taxes, so as to change certain provisions relating to qualified education tax credits; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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

HB 512. By Representatives Jasperse of the 11th, Meadows of the 5th, Roberts of the 155th, Ballinger of the 23rd, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 11 of Title 16 of the O.C.G.A., relating to dangerous instrumentalities and practices, so as to change provisions relating to carrying weapons in unauthorized locations; to change provisions relating to persons exempt from the provisions of Code Sections 16-11-126 through 16-11-127.2; to change legislative findings and provide for preemption for weapons other than firearms; to provide for a cause of action and damages; to amend Title 16, relating to crimes and offenses, and Article 27 of Chapter 2 of Title 20, relating to loitering at or disrupting schools, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, so as to change provisions relating to carrying weapons in unauthorized locations; to provide for a short title; to provide for and change definitions; to change provisions relating to carrying a weapon in government buildings, places of worship, and bars; to revise the definition of school safety zones; to change provisions relating to carrying weapons within certain school safety zones and at school functions; to change provisions relating to exemptions for carrying weapons

within school safety zones; to allow persons who have had their weapons carry license revoked to be eligible to be license holders under certain circumstances; to remove fingerprinting requirements for renewal licenses; to change provisions relating to weapons carry licenses; to change provisions relating to persons exempt from the provisions of Code Sections 16-11-126 through 16-11-127.2; to provide for local boards of education to authorize personnel to carry weapons within school safety zones under certain circumstances; to provide for the offense of unlawfully carrying a weapon into a secure airport area; to change legislative findings and provide for preemption for weapons other than firearms; to amend Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to the delinquency, unruliness, or deprivation of a minor, so as to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

This Act shall be known and may be cited as the "Safe Carry Protection Act."

SECTION 1-2.

Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, is amended by revising subsection (d) of Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as follows:

"(d) Any person who is not prohibited by law from possessing a handgun or long gun who is eligible for a weapons carry license may transport a handgun or long gun in any private passenger motor vehicle; provided, however, that private property owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135."

SECTION 1-3.

Said article is further amended by revising Code Section 16-11-127, relating to carrying weapons in unauthorized locations and penalty, as follows:

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

(1) ~~'Bar' means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.~~

~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms in which judicial proceedings are held.

~~(3)~~(2) 'Government building' means:

(A) The building in which a government entity is housed;

(B) The building where a government entity meets in its official capacity; provided, however, that if such building is not a publicly owned building, such building shall be considered a government building for the purposes of this Code section only during the time such government entity is meeting at such building; or

(C) The portion of any building that is not a publicly owned building that is occupied by a government entity.

~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or any county, municipal corporation, consolidated government, or local board of education within this state.

~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of motor vehicles at a government building, or at such courthouse, jail, or prison, ~~place of worship, or bar~~.

(b) Except as provided in subsection (d) or (e) of this Code section, a person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while:

(1) In a government building;

(2) In a courthouse;

(3) In a jail or prison;

~~(4) In a place of worship;~~

~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits individuals on an involuntary basis for treatment of mental illness, developmental disability, or addictive disease; provided, however, that carrying a weapon or long gun in such location in a manner in compliance with paragraph (3) of subsection (d) of this Code section shall not constitute a violation of this subsection;

~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by license holders;~~

~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede the punishment provisions of this Code section; or

~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code Section 21-2-413.

(c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every location in this state not listed in subsection (b) or (e) of this Code section; provided, however, that private property owners or persons in legal control of private property through a lease, rental

agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise to a civil action for damages.

(d) Subsection (b) of this Code section shall not apply:

(1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such weapons or long guns are secured and handled as directed by the personnel providing courtroom security or the judge hearing the case;

(2) To a license holder who approaches security or management personnel upon arrival at a location described in subsection (b) of this Code section and notifies such security or management personnel of the presence of the weapon or long gun and explicitly follows the security or management personnel's direction for removing, securing, storing, or temporarily surrendering such weapon or long gun; and

(3) To a weapon or long gun possessed by a license holder which is under the possessor's control in a motor vehicle or is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle and such vehicle is parked in a parking facility.

(e) A license holder shall be authorized to carry a weapon in a government building or courthouse where ingress into such building or courthouse is not restricted or screened by security personnel during the hours the government building or courthouse is open for business. A person who is not a license holder and who attempts to enter a government building or courthouse with a weapon shall be guilty of a misdemeanor. A person who enters or attempts to enter a government building or courthouse where ingress is restricted or screened by security personnel shall be guilty of a misdemeanor; provided, however, that a person who exits such building or courthouse or leaves such location upon his or her observation that such building or courthouse has security personnel restricting or screening ingress into such building or courthouse shall not be guilty of violating this subsection."

SECTION 1-4.

Said article is further amended by revising subsection (a), paragraph (1) of subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on school property, as follows:

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

(1) 'Bus or other transportation furnished by a school' means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) 'School function' means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.

~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or leased to;

(A) Any ~~any~~ public or private elementary school, secondary school, or ~~school~~ local board of education and used for elementary or secondary education; and ~~in or on the campus of any~~

(B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone or at a ~~school building~~, school function, ~~or school property~~ or on a bus or other transportation furnished by ~~the~~ a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25."

"(c) The provisions of this Code section shall not apply to:

- (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes;
- (2) Participants in organized sport shooting events or firearm training courses;
- (3) Persons participating in military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;
- (4) Persons participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;
- (5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:
 - (A) A peace officer as defined by Code Section 35-8-2;
 - (B) A law enforcement officer of the United States government;
 - (C) A prosecuting attorney of this state or of the United States;
 - (D) An employee of the Georgia Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such correctional agency or facility to carry a firearm;

- (E) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- (F) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;
- (6) A person who has been authorized in writing by a duly authorized official of ~~the school~~ a public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education or a local board of education as provided in Code Section 16-11-130.1 to have in such person's possession or use ~~as part of any activity being conducted at a school building, school property, or within a school safety zone,~~ at a school function, or on a bus or other transportation furnished by a school a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;
- (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person carries or picks up a student ~~at a school building, school property, or~~ within a school safety zone, at a school function, or ~~school property~~ or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle is parked ~~at such school property~~ within a school safety zone or is in transit through a designated school safety zone;
- (8) A weapon possessed by a license holder which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student ~~at a school building, school property, or~~ within a school safety zone, at a school function, or ~~school property~~ ~~or~~ on a bus or other transportation furnished by ~~the~~ a school, or when such vehicle is used to transport someone to an activity being conducted ~~on school property~~ within a school safety zone which has been authorized by a duly authorized official ~~of the school~~ or local board of education as provided by paragraph (6) of this subsection; provided, however, that this exception shall not apply to a student attending ~~such a~~ public or private elementary or secondary school;
- (9) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;
- (10) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;
- (11) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon;

(12) Probation supervisors employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,' when specifically designated and authorized in writing by the director of the Division of Probation;

(13) Public safety directors of municipal corporations;

(14) State and federal trial and appellate judges;

(15) United States attorneys and assistant United States attorneys;

(16) Clerks of the superior courts;

(17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle; ~~or~~

(18) Constables of any county of this state; or

(19) Any license holder when he or she is in or on any real property or building owned or leased to any public or private technical school, vocational school, college, university, or other institution of postsecondary education; provided, however, that such exception shall not apply to such property or buildings used for athletic sporting events or student housing, including fraternity and sorority houses.

(d)(1) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, that it shall be unlawful for any such person to carry, possess, or have under such person's control while at a ~~school building~~ or school function or on ~~school property~~, a ~~school~~ bus, or other transportation furnished by ~~the~~ a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any person who violates this subsection shall be subject to the penalties specified in subsection (b) of this Code section.

~~(3) This subsection shall not be construed to waive or alter any legal requirement for possession of weapons or firearms otherwise required by law.~~

(e) It shall be no defense to a prosecution for a violation of this Code section that:

(1) A public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education ~~School~~ was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides ~~school~~ public or private elementary or secondary school or public or private technical school, vocational school, college, university, or other institution of postsecondary education purposes at the time of the offense; or

(3) The offense took place on a bus or other transportation furnished by a school vehicle.

(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and

boundaries of the area of the real property of a school board or a private or public elementary or secondary school that is used for school purposes or the area of any ~~campus of any~~ public or private technical school, vocational school, college, university, or other institution of postsecondary education and used for student housing or athletic sporting events, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county."

SECTION 1-5.

Said article is further amended by revising subsections (b), (c), (d), and (f) of Code Section 16-11-129, relating to license to carry weapons, as follows:

"(b) **Licensing exceptions.**

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

(A) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

(B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency or availability of an appeal or an application for collateral relief an adjudication of guilt.~~ Such term shall not include an order of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

(C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

(2) No weapons carry license shall be issued to:

(A) Any person under 21 years of age;

(B) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation;

(C) Any person against whom proceedings are pending for any felony;

(D) Any person who is a fugitive from justice;

(E) Any person who is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

(F) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;

(G) Any person who has had his or her weapons carry license revoked pursuant to subsection (e) of this Code section within three years of the date of his or her application;

(H) Any person who has been convicted of any of the following:

(i) ~~Pointing a gun or a pistol at another in violation of Code Section 16-11-102;~~

~~(ii)~~ Carrying a weapon without a weapons carry license in violation of Code Section 16-11-126; or

~~(iii)~~(ii) Carrying a weapon or long gun in an unauthorized location in violation of Code Section 16-11-127

and has not been free of all restraint or supervision in connection therewith and free of any other conviction for at least ~~five~~ three years immediately preceding the date of the application;

(I) Any person who has been convicted of any misdemeanor involving the use or possession of a controlled substance and has not been free of all restraint or supervision in connection therewith or free of:

(i) A second conviction of any misdemeanor involving the use or possession of a controlled substance; or

(ii) Any conviction under subparagraphs (E) through (G) of this paragraph for at least ~~five~~ three years immediately preceding the date of the application; or

(J) Any person who has been involuntarily hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center or adjudicated by a court to be in need of involuntary outpatient mental health treatment within the five years immediately preceding the application. An applicant's statement that he or she has not been involuntarily hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center or adjudicated by a court to be in need of involuntary outpatient mental health treatment within the five years immediately preceding his or her application shall create a rebuttable presumption that he or she has not been so hospitalized or treated; provided, however, that the ~~The~~ judge of the probate court ~~may~~ shall require ~~any~~ an applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been involuntarily hospitalized as an inpatient or involuntarily treated as an outpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether the applicant is a threat to the safety of others and whether a license to carry a weapon should be issued. ~~When such a waiver is required by the judge, the~~ Each applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or ~~the~~ Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department. Within three days of receiving an application, the judge shall forward a request to the applicable mental health hospital, alcohol or drug or other treatment center, or Department of Behavioral

Health and Developmental Disabilities which shall provide a report of any findings relating to the applicant which may bear on the applicant's eligibility for a weapons carry license or license renewal to the judge by telephone and in writing within 30 days of receiving the request for such information. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the weapons carry license or renewal license.

(3) If first offender treatment without adjudication of guilt for a conviction contained in subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence was successfully completed and such person has not had any other conviction since the completion of such sentence and for at least five years immediately preceding the date of the application, he or she shall be eligible for a weapons carry license provided that no other license exception applies.

(c) **Fingerprinting.** Following completion of the application for a weapons carry license ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency in the county with the completed application. ~~The appropriate local law enforcement agency in each county shall then~~ so that such agency can capture the fingerprints of the applicant ~~for a weapons carry license or renewal license and place the name of the applicant on the blank license form. The appropriate local law enforcement agency shall place the fingerprint on a blank license form which has been furnished to the law enforcement agency by the judge of the probate court if a fingerprint is required to be furnished by subsection (f) of this Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection with the fingerprinting and processing of an application. Fingerprinting shall not be required for applicants seeking temporary renewal licenses or renewal licenses.

(d) **Investigation of applicant; issuance of weapons carry license; renewal.**

(1) For ~~both~~ weapons carry license applications ~~and requests for license renewals~~, the judge of the probate court shall within five business days following the receipt of the application ~~or request~~ direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(2) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of the application or request also direct the law enforcement agency to conduct a background check using the Federal Bureau of Investigation's National Instant

Criminal Background Check System and return an appropriate report to the probate judge.

(3) When a person who is not a United States citizen applies for a weapons carry license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a search of the records maintained by United States Immigration and Customs Enforcement and return an appropriate report to the probate judge. As a condition to the issuance of a license or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

(4) The law enforcement agency shall report to the judge of the probate court within 30 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application ~~and the blank license form with the fingerprint thereon~~ directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any weapon unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court."

"(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and the completed card shall be laminated in plastic to improve its wearing qualities and to inhibit alterations.~~ Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. ~~Each shall be serially numbered within the county of issuance and shall bear the full name, residential address, birth date, weight, height, color of eyes, and sex of the licensee. The license shall show the date of issuance, the expiration date, and the probate court in which issued and shall be signed by the licensee and bear the signature or facsimile thereof of the judge. The seal of the court shall be placed on the face before the license is laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of the licensee's right index finger; however, if the right index fingerprint cannot be secured for any reason, the print of another finger may be used but such print shall be marked to identify the finger from which the print is taken prior to January 1, 2012, shall be in the format specified by the former provisions of this paragraph as they existed on June 30, 2013.~~

(2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses shall incorporate overt and covert security features which shall be blended with the

personal data printed on the license to form a significant barrier to imitation, replication, and duplication. There shall be a minimum of three different ultraviolet colors used to enhance the security of the license incorporating variable data, color shifting characteristics, and front edge only perimeter visibility. The weapons carry license shall have a color photograph viewable under ambient light on both the front and back of the license. The license shall incorporate custom optical variable devices featuring the great seal of the State of Georgia as well as matching demetalized optical variable devices viewable under ambient light from the front and back of the license incorporating microtext and unique alphanumeric serialization specific to the license holder. The license shall be of similar material, size, and thickness of a credit card and have a holographic laminate to secure and protect the license for the duration of the license period.

~~(B)(3)~~ (3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of this paragraph (2) of this subsection,~~ The Council of Probate Court Judges of Georgia shall create specifications for the probate courts so that all weapons carry licenses in this state shall be uniform and so that probate courts can petition the Department of Administrative Services to purchase the equipment and supplies necessary for producing such licenses. The department shall follow the competitive bidding procedure set forth in Code Section 50-5-102."

SECTION 1-6.

Said article is further amended by revising paragraph (3) of subsection (a) of Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as follows:

"(3) Persons in the military service of the state or of the United States or a person 21 years of age or younger who has received an honorable discharge from the military service of the United States;"

SECTION 1-7.

Said article is further amended by adding two new Code sections to read as follows:

"16-11-130.1.

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

(1) 'Bus or other transportation furnished by a school' means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) 'School function' means a school function or related activity that occurs outside of a school safety zone for a public or private elementary or secondary school.

(3) 'School safety zone' means in or on any real property or building owned by or leased to any public or private elementary or secondary school or local board of education and used for elementary or secondary education.

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

(b) A local board of education shall approve personnel to possess or carry weapons as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1 if such board has adopted and implemented a policy which provides for:

- (1) Sufficient training of approved personnel prior to authorizing such personnel to carry weapons. The training shall at a minimum include training on judgment pistol shooting, marksmanship, and a review of current laws relating to the use of force for the defense of self and others; provided, however, that the local board of education training policy may substitute for certain training requirements the personnel's prior military or law enforcement service if the approved personnel has previously served as a certified law enforcement officer or has had military service which involved similar weapons training;
- (2) An approved list of the types of weapons and ammunition and the quantity of weapons and ammunition authorized to be possessed or carried;
- (3) The exclusion from approval of any personnel who has had an employment or other history indicating any type of mental or emotional instability as determined by the local board of education; and
- (4) A mandatory method of securing weapons which shall include at a minimum a requirement that the weapon, if permitted to be carried concealed by personnel, shall be carried in a holster on the person and not in a purse, briefcase, bag, or similar other accessory which is not secured on the body of the person and, if maintained separate from the person, shall be maintained in a secured lock safe or similar lock box that cannot be easily accessed by students.
- (c) Any personnel selected to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be a license holder, and the local board of education shall be responsible for conducting a criminal history background check of such personnel annually to determine whether such personnel remains qualified to be a license holder.
- (d) The selection of approved personnel to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be done strictly on a voluntary basis. No personnel shall be required to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school and shall not be terminated or otherwise retaliated against for refusing to possess or carry a weapon.
- (e) The local board of education shall be responsible for any costs associated with approving personnel to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school; provided, however, that nothing contained in this Code section shall prohibit any approved personnel from paying for part or all of such costs or using any other funding mechanism available, including donations or grants from private persons or entities.
- (f) Documents and meetings pertaining to personnel approved to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be considered employment and public safety security records and shall not be exempt from disclosure under Article 4 of Chapter 18 of Title 50.
- (g) This Code section shall not be construed to require or otherwise mandate that any local board of education or school administrator adopt or implement a practice or

program for the approval of personnel to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school nor shall this Code section create any liability for adopting or declining to adopt such practice or program. Such decision shall rest with each individual local board of education.

16-11-130.2.

(a) No person shall enter the restricted access area of a commercial service airport, in or beyond the airport security screening checkpoint, knowingly possessing or knowingly having under his or her control a weapon or long gun. Such area shall not include an airport drive, general parking area, walkway, or shops and areas of the terminal that are outside the screening checkpoint and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that weapons are prohibited in such area.

(b) A person who violates this Code section shall be guilty of a misdemeanor; provided, however, that a person who violates this Code section with the intent to commit a separate felony offense shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less than one nor more than ten years, or both.

(c) Any ordinance, resolution, regulation, or policy of any county, municipality, or other political subdivision of this state which is in conflict with this Code section shall be null, void, and of no force and effect and this Code section shall preempt any such ordinance, resolution, regulation, or policy."

SECTION 1-8.

Said article is further amended by revising subsections (a) and (b) of Code Section 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits, and by adding a new subsection to read as follows:

"(a)(1) It is declared by the General Assembly that the regulation of firearms and other weapons is properly an issue of general, state-wide concern.

(2) The General Assembly further declares that the lawful design, marketing, manufacture, and sale of firearms and ammunition and other weapons to the public is not unreasonably dangerous activity and does not constitute a nuisance per se.

(b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or other enactment, nor any agency, board, department, commission, or authority of this state, other than the General Assembly, by rule, regulation, or other enactment shall regulate in any manner gun shows; the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of firearms or other weapons or components of firearms or other weapons; firearms dealers or dealers of other weapons; or dealers in ~~firearms~~ components of firearms or other weapons.

(2) The authority to bring suit and right to recover against any weapons, firearms, or ammunition manufacturer, trade association, or dealer by or on behalf of any

governmental unit created by or pursuant to an Act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a weapons, firearms, or ammunition manufacturer or dealer for breach of contract or express warranty as to weapons, firearms, or ammunition purchased by the political subdivision or local government authority."

"(f) As used in this Code section, the term 'weapon' shall have the same meaning as set forth in Code Section 16-11-127.1."

PART II SECTION 2-1.

Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to the delinquency, unruliness, or deprivation of a minor, is amended by revising paragraph (5) of subsection (b) as follows:

"(5) Knowingly and willfully provides to a minor any weapon as defined in ~~paragraph (2) of subsection (a) of~~ Code Section 16-11-127.1 or any weapon as defined in Code Section 16-11-121 to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a felony which encompasses force or violence as an element of the offense if committed by an adult; or"

PART III SECTION 3-1.

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

The following amendment was read and adopted:

Representative Jasperse of the 11th offers the following amendment:

Amend the substitute to HB 512 (LC 35 2989S) by inserting after the semicolon on line 17 the following:

to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal background checks to private persons and businesses, so as to provide for the collection and dissemination of information pertinent to issuing weapons carry licenses;

By deleting "or private" from line 220.

By inserting between lines 275 and 276 the following:

(D) 'Involuntary treatment' shall have the same meaning as set forth in Code Section 37-3-1.

By replacing "or" with "œ" on line 308.

By revising lines 309 through 337 as follows:

(J) Any person who:

(i) Has been adjudicated mentally incompetent to stand trial;

(ii) Has been adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17; or

(iii) Is registered on the state sexual offender registry;

(K) Any person who, within the five years immediately preceding the application, has had a guardian or conservator appointed to represent such person as a result of a mental illness or alcoholic or drug dependency;

(L) Any person who, within the five years immediately preceding the application, has made a credible threat to do physical violence to another person which threat was heard by a law enforcement officer and reported to the Georgia Crime Information Center. The judge of the probate court shall request such information from the Georgia Crime Information Center and shall be entitled to such information as set forth in subsection (e.1) of Code Section 35-3-34; or

(M) Any person who, ~~has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center~~ within the five years immediately preceding the application, has had involuntary treatment. An applicant's statement that he or she has not had involuntarily treatment within the five years immediately preceding his or her application shall create a rebuttable presumption that he or she has not been so treated. The judge of the probate court ~~may require any applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been an inpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether the applicant is a threat to the safety of others and whether a license to carry a weapon should be issued. When such a waiver is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department shall request involuntary treatment information from the Georgia Crime Information Center as provided in paragraph (3) of subsection (e) of Code Section 35-3-34. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the a weapons carry license or renewal license to an applicant who has had involuntary treatment.~~

By inserting between lines 543 and 544 the following:

SECTION 1-9.

Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal background checks to private persons and businesses and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, by adding a new paragraph to subsection (e) and a new subsection to read as follows:

"(3)(A) As used in this paragraph, the term 'involuntary treatment' shall have the same meaning as set forth in Code Section 37-3-1.

(B) The records of the center shall include information as to whether a person has had involuntary treatment. In order to carry out the provisions of Code Section 16-11-129, the center shall be provided such information and no other mental health information from the records of the probate and superior courts ordering persons to have involuntarily treatment. With respect to probate court records, such information shall be provided in a manner agreed upon by the Probate Judges Training Council and the bureau. With respect to superior court records, such information shall be provided in a manner agreed upon by The Council of Superior Court Clerks of Georgia and the bureau. Such records shall be provided in a manner so as to preserve the confidentiality of patients' rights in all other respects. After five years have elapsed from the date that a person's involuntary treatment information has been received by the center, the center shall purge its records of such information as soon as practicable and in any event purge such records within 30 days after the expiration of such five-year period.

(C) In order to carry out the provisions of Code Section 16-11-129, the center shall be provided information as to whether a person has been adjudicated mentally incompetent to stand trial or been found not guilty by reason of insanity at the time of the crime. The clerk of court shall report such information to the center."

"(e.1) Any law enforcement officer who hears a credible threat to do physical violence to another person shall report the name and identifying information of the individual making such threat, the date such threat was made, and any pertinent circumstances surrounding such threat to the center and the center shall be authorized to collect and disseminate such information to probate judges as provided in Code Section 16-11-129. After five years have elapsed from the date such threat was made, the center shall purge its records of such information as soon as practicable and in any event purge such records within 30 days after the expiration of such five-year period."

The Committee substitute, as amended, was adopted.

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

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

N Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harden	N Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	N Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	N Dickerson	Y Hawkins	N Mosby	N Smyre
Y Barr	Y Dickey	N Henson	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	Y England	Y Jacobs	Y 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	E Thomas, B
Y Bryant	N Evans	N Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	N Jordan	N Randall	N Waites
Y Caldwell, J	N Fludd	N Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	N Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	N Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	N Williams, A
Y Cheokas	E 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	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	N Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 117, nays 56.

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

House of Representatives
Coverdell Legislative Office Building
Room 604-A
Atlanta, Georgia 30334

March 7, 2013

Robbie Rivers
Clerk of the House
309 State Capitol
Washington Street
Atlanta, GA 30334

Dear Mr. Rivers,

On Thursday, March 7, 2013, please record a NO vote on HB 512.

Yours for Greater Georgia,

/s/ Quincy Murphy
Wm Quincy Murphy
Georgia State Representative
District 127

HB 434. By Representatives Weldon of the 3rd, Willard of the 51st and Jacobs of the 80th:

A BILL to be entitled an Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to liens of mechanics and materialmen, so as to provide that special liens include the amount due and interest on such amount; 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 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to liens of mechanics and materialmen, so as to provide that special liens include the amount due and interest on such amount; 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 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to liens of mechanics and materialmen, is amended by revising Code Section 44-14-361, relating to creation of liens and property to which lien attaches, as follows:

"44-14-361.

(a) The following persons shall each have a special lien on the real estate, factories, railroads, or other property for which they furnish labor, services, or materials:

(1) All mechanics of every sort who have taken no personal security for work done and material furnished in building, repairing, or improving any real estate of their employers;

(2) All contractors, all subcontractors and all materialmen furnishing material to subcontractors, and all laborers furnishing labor to subcontractors, materialmen, and persons furnishing material for the improvement of real estate;

(3) All registered architects furnishing plans, drawings, designs, or other architectural services on or with respect to any real estate;

(4) All registered foresters performing or furnishing services on or with respect to any real estate;

(5) All registered land surveyors and registered professional engineers performing or furnishing services on or with respect to any real estate;

(6) All contractors, all subcontractors and materialmen furnishing material to subcontractors, and all laborers furnishing labor for subcontractors for building factories, furnishing material for factories, or furnishing machinery for factories;

(7) All machinists and manufacturers of machinery, including corporations engaged in such business, who may furnish or put up any mill or other machinery in any county or who may repair the same;

(8) All contractors to build railroads; and

(9) All suppliers furnishing rental tools, appliances, machinery, or equipment for the improvement of real estate.

(b) Each special lien specified in subsection (a) of this Code section may attach to the real estate of the owner for which the labor, services, or materials are furnished if they are furnished at the instance of the owner, contractor, or some other person acting for the owner or contractor and shall include the value of work done and materials furnished in any easement or public right of way adjoining said real estate if the work done or materials furnished in the easement or public right of way is for the benefit of said real estate and is within the scope of the owner's contract for improvements to said real estate.

(c) Each special lien specified in subsection (a) of this Code section shall include:

(1) The amount due and owing the lien claimant under the terms of its contract, subcontract, or purchase order; or

(2) In the absence of a contract, subcontract, or purchase order, the unpaid value of the labor, materials, and services provided by the lien claimant for the improvement of the real estate.

(d) Each special lien specified in subsection (a) of this Code section shall include interest on the principal amount due in accordance with Code Section 7-4-2 or 7-4-16."

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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	Hugley	Y Peake	Y Taylor, D
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	Jaspense	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	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	E 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	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.

House of Representatives
Coverdell Legislative Office Building, Room 408
Atlanta, Georgia 30334

March 7, 2013

The Honorable Robbie Rivers
 Clerk of the House of Representatives
 307 State Capitol
 Atlanta, Georgia 30334

Dear Mr. Rivers:

During the vote on House Bill 434, my machine malfunctioned; I intended to cast a "yea" vote for the bill.

Sincerely,

/s/ Carolyn Hugley
 Carolyn F. Hugley

HB 486. By Representatives Roberts of the 155th, Nimmer of the 178th, Burns of the 159th, Watson of the 172nd, Shaw of the 176th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to dimensions and weight of vehicles and loads, so as to provide for qualifications for the issuance of annual commercial wrecker emergency tow permits; to provide for related matters; to repeal conflicting laws; and for other purposes.

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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	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	E 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 167, nays 1.

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

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

Mr. Speaker:

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

SB 113. By Senators Jones of the 10th, Stone of the 23rd, Ramsey, Sr. of the 43rd, Chance of the 16th, Jackson of the 2nd and others:

A BILL to be entitled an Act to amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process, so as to change provisions relating to personal service of a summons on a corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 463. By Representatives Rice of the 95th, Powell of the 32nd, Greene of the 151st and Yates of the 73rd:

A BILL to be entitled an Act to amend Article 7 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle license fees and classes, so as change the registration rates under the International Registration Plan for apportioned vehicles; to provide for the local ad valorem taxes on such vehicles to be included in the registration payment; to provide for distribution to local governing authorities; to provide for procedures, conditions, and limitations; 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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	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	Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	E 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	Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

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 following Committee substitute was read and adopted:

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, is amended by adding a new Code section to read as follows:

"45-18-10.1.

(a) Beginning six months after the effective date of this Code section, the department shall conduct a two-year pilot program to provide coverage for the treatment and management of obesity and related conditions under the health insurance plan for state employees established under this article. The pilot program will provide benefits for medically necessary bariatric procedures for participants selected for inclusion in the pilot program.

(b) Participation in the pilot program shall be limited to no more than 75 individuals per year, to be selected in a manner determined by the department. Any person who has elected coverage under the state employees' health insurance plan established pursuant to this article shall be eligible to be selected to participate in the pilot program in accordance with criteria established by the department which shall include, but not be limited to:

(1) Participation in the state employees' health insurance plan's wellness program for at least 12 months;

(2) Completion of a health risk assessment through the state employees' health insurance plan's wellness program;

(3) A body mass index of:

(A) Greater than 40; or

(B) Greater than 35 with one or more co-morbidities such as diabetes, hypertension, gastro-esophageal reflux disease, sleep apnea, or asthma;

(4) Consent to provide personal and medical information to the state employees' health insurance plan;

(5) Non-tobacco user;

(6) No other primary group health coverage or primary coverage with Medicare; and

(7) Must have been covered under the state employees' health insurance plan for two years immediately prior to the pilot program and must express an intent to continue coverage under the state employees' health insurance plan for two years following the approved surgical procedure date.

(c) Eligible individuals must apply to participate in the pilot program. The individual and his or her physician shall complete and submit an obesity treatment program application to the department no later than February 1 for each year of the pilot program. The health insurance carrier shall review the criteria contained in subsection (b) of this Code section to determine qualified applicants for the pilot program.

(d) The selected participants shall be eligible to receive a multi-disciplinary health evaluation at a facility located within the State of Georgia which is designated by the American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of Excellence. The bariatric surgical procedures covered in the pilot program are:

(1) Gastric band;

(2) Laparoscopic sleeve gastrectomy; and

(3) Rouen-Y gastric bypass.

The participants shall use the department's contracted health insurance carrier to enroll in a case management program and to receive prior authorization for a surgical procedure provided pursuant to the pilot program. The health insurance carrier shall provide case management and patient follow-up services. Benefits for a bariatric surgical procedure under the pilot program shall be provided only when the surgical procedure is performed at a Center of Excellence within the State of Georgia.

(e) All health care services provided pursuant to the pilot program shall be subject to the health insurance carrier's plan of benefits and policy provisions. Complications that

arise after the discharge date are subject to the health insurance carrier's plan of benefits and policy provisions.

(f) Participants must agree to comply with any and all terms and conditions of the pilot program including, but not limited to, participation and reporting requirements. Participation requirements shall include a 12 month postsurgery case management program. Each participant must also agree to comply with any and all requests by the department for postsurgical medical and productivity information, and such agreement shall survive his or her participation in the state employees' health insurance plan.

(g) A panel shall review the results and outcomes of the pilot program beginning three months after program initiation and shall conduct subsequent reviews every three months for the remainder of the pilot program. The panel shall be composed of the following members, appointed by the Governor:

(1) A representative of the state health benefit plan;

(2) A representative of the state health insurance carrier or carriers providing coverage under the pilot program; and

(3) At least two physicians who carry a certification by the American Society for Metabolic and Bariatric Surgery.

(h) The department shall provide an annual report by December 15 of each year and a final report by December 15 of the last year of the pilot program to the chairpersons of the House Committee on Health and Human Services, the Senate Health and Human Services Committee, the House Committee on Appropriations, and the Senate Appropriations Committee. The report shall include, at a minimum:

(1) Whether patients in the pilot have experienced:

(A) A reduction in body mass index, and if so, the average amount of reduction; or

(B) The reduction or elimination of co-morbidities, and if so, which co-morbidities were reduced or eliminated;

(2) The total number of individuals who applied to participate in the pilot program;

(3) The total number of participants who enrolled in the pilot program;

(4) The average cost of each procedure conducted under the pilot program, including gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass;

(5) The total cost of each participant's annual health care costs prior to the surgical procedure and for each of the subsequent post-procedure years for the three years following the surgical procedure; and

(6) The percentage of employees still employed by the state 12 months following the surgical procedure and 24 months following the surgical procedure, respectively.

(i) This Code section shall stand repealed 42 months after the effective date of such Code section."

SECTION 2.

This Act shall become effective only if funds are specifically appropriated for the purposes of this Act in an Appropriations Act enacted by the General Assembly. If funds are so appropriated, then this Act shall become effective on the later of the date on which

such Appropriations Act becomes effective or the beginning date of the fiscal year for which such appropriations are made.

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	McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	N 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	N Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y 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	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
N Braddock	N Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	N Pezold	Y Taylor, T
Y 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	E Thomas, B
Y Bryant	Y Evans	N Jones, L	N Quick	N Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Fludd	Y Kaiser	Y Rice	Y Watson, B
N Caldwell, M	E 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	N 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
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	Y Setzler	Y Williams, C
N Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	N Gravley	Y Martin	Y Shaw	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 152, nays 16.

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

HR 603. By Representatives Dempsey of the 13th, Cooper of the 43rd, Watson of the 166th and Jones of the 53rd:

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

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	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
Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E 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	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, the ayes were 164, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted.

HB 517. By Representatives Williams of the 119th, Quick of the 117th, Frye of the 118th, Tankersley of the 160th, Williamson of the 115th and others:

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising subsection (a) of Code Section 3-3-21, relating to sales of alcoholic beverages near churches, school buildings, or other sites, as follows:

"(a)(1) No person knowingly and intentionally may sell or offer to sell:

(A) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;

(B) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is

applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application; Nothing in this subparagraph shall prohibit a licensee for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any college campus, where so permitted by resolution or ordinance of the county or municipality; or

(C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

(2) As used in this subsection, the term 'school building' or 'educational building' shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690."

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
N Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	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	Hill	Y Nimmer	Y Stephens, R
Y Bell	N Douglas	Y Hitchens	Y Nix	Y Stephenson
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
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	England	Y Jacobs	Y Powell, A	E Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites

Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Roberts	N Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Kirby	Y Rogers, T	Y Wilkerson
N Chandler	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	E 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	Sheldon	Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 6.

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

The Speaker Pro Tem assumed the Chair.

HB 197. By Representatives Powell of the 171st, England of the 116th, Burns of the 159th, Peake of the 141st, Black of the 174th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for taxation of land subject to a forest land conservation use covenant; to provide for a performance review board to be appointed by the revenue commissioner; to change certain criteria relating to current use of conservation use property; to provide for penalties for violations; to provide for valuation of property while an appeal of the assessment is in process; 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 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for a revision of the requirements for land subject to a forest land conservation use covenant; to provide for a performance review board to be appointed by the revenue commissioner; to change certain criteria relating to current use of conservation use property; to provide for penalties for violations; to provide for valuation of property while an appeal of the assessment is in process; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by revising subsections (b), (c), (f), (i), (j), and (m) of Code Section 48-5-7.7, relating to the "Georgia Forest Land Protection Act of 2008," as follows:

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

(1) 'Contiguous' means real property within a county that abuts, joins, or touches and has the same undivided common ownership. If an applicant's tract is divided by a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track, then the applicant has, at the time of the initial application, a one-time election to declare the tract as contiguous irrespective of a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track.

(2) 'Forest land conservation use property' means forest land each tract of which consists of more than 200 acres of tangible real property of an owner subject to the following qualifications:

(A) Such property must be owned by an individual or individuals or by any entity registered to do business in this state;

(B) Such property excludes the entire value of any residence and its underlying land located on the property; as used in this subparagraph, the term 'underlying land' means the minimum lot size required for residential construction by local zoning ordinances or two acres, whichever is less. This provision for excluding the underlying land of a residence from eligibility in the conservation use covenant shall only apply to property that is first made subject to such a covenant, or is subject to a renewal of a previous conservation use covenant, on or after January 1, 2014;

(C) Such property has as its primary use the good faith subsistence or commercial production of trees, timber, or other wood and wood fiber products from or on the land. Such property may, in addition, have one or more of the following secondary uses:

(i) The promotion, preservation, or management of wildlife habitat;

(ii) Carbon sequestration in accordance with the Georgia Carbon Sequestration Registry;

(iii) Mitigation and conservation banking that results in restoration or conservation of wetlands and other natural resources; or

(iv) The production and maintenance of ecosystem products and services, such as, but not limited to, clean air and water.

'Forest land conservation use property' may include, but is not be limited to, land that has been certified as environmentally sensitive property by the Department of Natural Resources or which is managed in accordance with a recognized sustainable forestry certification program, such as the Sustainable Forestry Initiative, Forest Stewardship

Council, American Tree Farm Program, or an equivalent sustainable forestry certification program approved by the State Forestry Commission.

(3) 'Qualified owner' means any individual or individuals or any entity registered to do business in this state.

(4) 'Qualified property' means forest land conservation use property as defined in this subsection.

(5) 'Qualifying purpose' means a use that meets the qualifications of subparagraph (C) of paragraph (2) of this subsection.

(c) The following additional rules shall apply to the qualification of forest land conservation use property for conservation use assessment:

(1) All contiguous forest land conservation use property of an owner within a county for which forest land conservation use assessment is sought under this Code section shall be in a single covenant unless otherwise required under subsection (e) of this Code section;

(2) When one-half or more of the area of a single tract of real property is used for the qualifying purpose, then the entirety of such tract shall be considered as used for such qualifying purpose unless some other type of business is being operated on the portion of the tract that is not being used for a qualifying purpose; provided, however, that such other portion must be minimally managed so that it does not contribute significantly to erosion or other environmental or conservation problems or must be used for one or more secondary purposes specified in subparagraph (b)(2)(C) of this Code section. The following uses of real property shall not constitute using the property for another type of business:

(A) The lease of hunting rights or the use of the property for hunting purposes; shall not constitute another type of business.

(B) The charging of admission for use of the property for fishing purposes; shall not constitute another type of business.

(C) The production of pine straw shall not constitute another type of business; and

(D) The granting of easements solely for ingress and egress; and

(3) No otherwise qualified forest land conservation use property shall be denied conservation use assessment on the grounds that no soil map is available for the county or counties, if applicable, in which such property is located; provided, however, that if no soil map is available for the county or counties, if applicable, in which such property is located, the board of tax assessors shall use the current soil classification applicable to such property."

"(f)(1) A qualified owner shall not be authorized to make application for and receive conservation use assessment under this Code section for any property which at the time of such application is receiving preferential assessment under Code Section 48-5-7.1 or current use assessment under Code Section 48-5-7.4; provided, however, that if any property is subject to a covenant under either of those Code sections, it may be changed from such covenant and placed under a covenant under this Code section if it is otherwise qualified. Any such change shall terminate the existing covenant and

shall not constitute a breach thereof. No property may be changed more than once under this ~~subsection~~ paragraph.

(2) Any property that is subject to a covenant under this Code section and subsequently fails to adhere to the qualifying purpose, as defined in paragraph (5) of subsection (b) of this Code section, may be changed from the covenant under this Code section and placed under a covenant provided for in Code Section 48-5-7.4 if the property otherwise qualifies under the provisions of that Code section. In such a case, the existing covenant under this Code section shall be terminated, and the change shall not constitute a breach thereof. No property may be changed more than once under this paragraph."

"(i)(1) If ownership of all or a part of ~~the~~ a forest land conservation use property ~~constituting at least 200 acres~~ is acquired during a covenant period by another qualified owner ~~qualified to enter into an original forest land conservation use covenant~~, then the original covenant may be continued only by both such acquiring owner and the transferor for the remainder of the term, in which event, no breach of the covenant shall be deemed to have occurred if the total size of a tract from which the transfer was made is reduced below 200 acres or the size of the tract transferred is less than 200 acres. Following the expiration of the original covenant, no new covenant shall be entered with respect to ~~the either~~ either tract ~~from which the transfer was made~~ unless such tract exceeds 200 acres. If a qualified owner has entered into an original forest land conservation use covenant and subsequently acquires additional qualified property contiguous to the property in the original covenant, the qualified owner may elect to enter the subsequently acquired qualified property into the original covenant for the remainder of the 15 year period of the original covenant; provided, however, that such subsequently acquired qualified property shall be less than 200 acres.

(2) If, following such transfer, a breach of the covenant occurs by the acquiring owner, the penalty and interest shall apply to the entire transferred tract and shall be paid by the acquiring owner who breached the covenant. In such case, the covenant shall terminate on such entire transferred tract but shall continue on such entire remaining tract from which the transfer was made and on which the breach did not occur for the remainder of the original covenant.

(3) If, following such transfer, a breach of the covenant occurs by the transferring owner, the penalty and interest shall apply to the entire remaining tract from which the transfer was made and shall be paid by the transferring owner who breached the covenant. In such case, the covenant shall terminate on such entire remaining tract from which the transfer was made but shall continue on such entire transferred tract and on which the breach did not occur for the remainder of the original covenant.

(j)(1) For each taxable year beginning on or after January 1, ~~2010~~ 2014, all applications for conservation use assessment under this Code section, including any forest land covenant required under this Code section, shall be filed on or before the last day for filing ad valorem tax ~~returns in each county in which the property is located for the tax year for which such forest land conservation use assessment is~~

~~sought, except that in the case of property which is the subject of a reassessment by the board of tax assessors an application for forest land conservation use assessment may be filed in conjunction with or in lieu of an appeal of the reassessment~~ appeals of the annual notice of assessment except that in the case of property which is the subject of a tax appeal of the annual notice of assessment under Code Section 48-5-311, an application for forest land conservation use assessment may be filed at any time while such appeal is pending. An application for continuation of such forest land conservation use assessment upon a change in ownership of all or a part of the qualified property shall be filed on or before the last date for filing tax returns in the year following the year in which the change in ownership occurred. Applications for forest land conservation use assessment under this Code section shall be filed with the county board of tax assessors in which the property is located who shall approve or deny the application. Such county board of tax assessors shall file a copy of the approved covenant in the office of the clerk of the superior court in the county in which the eligible property is located. The clerk of the superior court shall file and index such covenant in the real property records maintained in the clerk's office. If the covenant is not so recorded in the real property records, a transferee of the property affected shall not be bound by the covenant or subject to any penalty for its breach. The fee of the clerk of the superior court for recording such covenants shall be paid by the qualified owner of the eligible property with the application for forest land conservation use assessment under this Code section and shall be paid to the clerk by the board of tax assessors when the application is filed with the clerk. If the application is denied, the board of tax assessors shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees advanced by the owner. Appeals from the denial of an application or covenant by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(2) In the event such application is approved, the qualified owner shall continue to receive annual notification of any change in the forest land fair market value of such property, and any appeals with respect to such valuation shall be made in the same manner as other property tax appeals are made pursuant to Code Section 48-5-311."

"(m)(1) A penalty shall be imposed under this subsection if during the period of the covenant entered into by a qualified owner the covenant is breached.

(2) Except as provided in subsection (i) of this Code section and paragraph (4) of this subsection, the penalty shall be applicable to the entire tract which is the subject of the covenant, and:

~~(A) If breached during years one through five, shall for each covenant year beginning with year one be three times the difference between the total amount of tax paid pursuant to conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the covenant period;~~

~~(B) If breached during years six through ten, shall for each covenant year beginning with year one be two and one-half times the difference between the total amount of~~

~~tax paid pursuant to conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each year or partially completed year of the covenant period; and~~

~~(C) If breached during years 11 through 15, shall for each covenant year beginning with year one be twice the difference between the total amount of tax paid pursuant to conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed year or partially completed year of the covenant period.~~

(3) ~~Any such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached. The penalty shall be twice the difference between the total amount of the tax paid pursuant to the conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the covenant period. Any such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.~~

(4) If ownership of a portion of the land subject to the original covenant constituting at least 200 acres is transferred to another owner qualified to enter into an original forest land conservation use covenant in a bona fide arm's length transaction and breach subsequently occurs, then the penalty shall either be assessed against the entire remaining tract from which the transfer was made or the entire transferred tract, on whichever the breach occurred. The calculation of penalties in paragraph ~~(2)~~ (3) of this subsection shall be used except that the penalty amount resulting from such calculation shall be multiplied by the percentage which represents the acreage of such tract on which the breach occurs to the original covenant acreage. The resulting amount shall be the penalty amount owed by the owner of such tract of land on which the breach occurred."

SECTION 2.

Said chapter is further amended by revising Code Section 48-5-295.1, relating to the performance review board, as follows:

"48-5-295.1.

(a) The county governing authority may, upon adoption of a resolution, request that a performance review of the county board of tax assessors be conducted. Such resolution shall be transmitted to the commissioner who shall appoint an independent performance review board within 30 days after receiving such resolution. The commissioner shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the department and two of whom shall be ~~assessors or chief appraisers, provided that neither chief appraiser shall be who are not members of the board or~~ a chief appraiser for the county under review.

(b) It shall be the duty of a performance review board to make a thorough and complete investigation of the county board of tax assessors with respect to all actions of the county board of tax assessors and appraisal staff regarding the technical competency of appraisal techniques and compliance with state law and regulations, including the

Property Tax Appraisal Manual. The performance review board shall issue a written report of its findings to the commissioner and the county governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate. The county governing authority shall reimburse the members of the performance review board for reasonable expenses incurred in the performance of their duties, including mileage, meals, lodging, and costs of materials.

(c) The findings of the report of the review board under subsection (b) of this Code section or of any audit performed by the Department of Revenue at the request of the Governor may be grounds for removal of one or more members of the county board of tax assessors pursuant to subsection (b) of Code Section 48-5-295.

(d) The commissioner shall promulgate such rules and regulations as may be necessary for the administration of this Code section."

SECTION 3.

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

"48-5-295.2.

(a) The commissioner shall appoint an independent performance review board if he or she determines, through the examination of the digest for any county in a digest review year pursuant to Code Section 48-5-342, that there is evidence which calls into question the technical competence of appraisal techniques and compliance with state law and regulations, including the Property Tax Appraisal Manual, with respect to the conservation use value of forest land.

(b) The commissioner shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the department and two of whom shall be chief appraisers, provided that neither chief appraiser shall be a chief appraiser for the county under review.

(c) The performance review board shall issue a written report of its findings to the commissioner and the county governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate. The county governing authority shall reimburse the members of the performance review board for reasonable expenses incurred in the performance of their duties, including mileage, meals, lodging, and costs of materials.

(d) The findings of the report of the review board under subsection (c) of this Code section or of any audit performed by the Department of Revenue or the Department of Audits shall be grounds for the state to withhold local assistance grants pursuant to Code Section 48-5A-3. If the findings in the report of the performance review board indicate that the provisions of paragraph (6) of Code Section 48-5-2 have been knowingly violated by a local government in order to receive a larger local assistance grant than allowed by law, then the most recent local assistance grant requested by the local government shall be withheld by the Department of Revenue. For a second or subsequent offense, the next two requests for local assistance grants shall be withheld by the Department of Revenue.

(e) The commissioner shall promulgate such rules and regulations as may be necessary for the administration of this Code section."

SECTION 4.

Said chapter is further amended by revising division (e)(6)(D)(iii) of Code Section 48-5-311, relating to county boards of equalization and review of assessments, as follows:

"(iii)(I) If the county's tax bills are issued before the county board of equalization has rendered its decision on property which is on appeal, the county board of tax assessors shall specify to the county tax commissioner the ~~higher of the taxpayer's return valuation or 85 percent of the current year's valuation as set by the county board of tax assessors.~~ lesser of the valuation in the year preceding the year in which the appeal was filed or 85 percent of the current year's value, unless the property in issue has been issued a building permit and structural improvements have occurred, or structural improvements have been made without a building permit, in which case, it shall specify 85 percent of the current year's valuation as set by the county board of assessors. Depending on the circumstances of the property, ~~this~~ This amount shall be the basis for a temporary tax bill to be issued; provided, however, that the taxpayer may elect to pay the temporary tax bill in the amount of 100 percent of the current year's valuation if no property improvement has occurred. The county tax commissioner shall have the authority to adjust such tax bill to reflect the 100 percent value as requested by the taxpayer. Such tax bill shall be accompanied by a notice to the taxpayer that the bill is a temporary tax bill pending the outcome of the appeal process. Such notice shall also indicate that upon resolution of the appeal, there may be additional taxes due or a refund issued.

(II) If the final determination of the value on appeal is less than the valuation thus used, the taxpayer shall receive a deduction in such taxpayer's taxes for the year in question. Such deduction shall be refunded to the taxpayer or to the entity or transferee that paid the taxes and shall include interest on the amount of such deduction at the same rate as specified in Code Section 48-2-35 which shall accrue from November 15 of the taxable year in question or the date the final installment of the tax was due or was paid, whichever is later. In no event shall the amount of ~~such~~ interest exceed ~~\$150.00~~ \$5,000.00.

(III) If the final determination of value on appeal is greater than the valuation thus used, the taxpayer shall be liable for the increase in taxes for the year in question due to the increased valuation fixed on appeal with interest at the rate as specified in Code Section 48-2-35. ~~Such interest shall accrue from November 15 of the taxable year in question or the date the final installment of the tax was due to the date the additional taxes are remitted, but in~~ In no event shall the amount of ~~such~~ interest exceed ~~\$150.00~~ \$5,000.00."

SECTION 5.

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

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	Y 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	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
N 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	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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	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	E 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	N Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 5.

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

HB 211. By Representatives Benton of the 31st, Coleman of the 97th, Dickson of the 6th and Frye of the 118th:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to levy of motor fuel excise tax, so as to exempt public school systems from motor fuel excise taxes under certain circumstances; 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 48-9-3 of the Official Code of Georgia Annotated, relating to levy of motor fuel excise tax, so as to exempt public school systems from motor fuel excise taxes under certain circumstances for a limited period of time; 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 48-9-3 of the Official Code of Georgia Annotated, relating to levy of motor fuel excise tax, is amended in subsection (b) by striking "or" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting in lieu thereof "; or", and by adding a new paragraph to read as follows:

"(11) For the period of time beginning July 1, 2013, and ending June 30, 2015, sales of motor fuel to public school systems in this state for the exclusive use of the school system in operating school buses when the motor fuel is purchased and paid for by the school system."

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	Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	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	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
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.
Bruce	Y Epps, J	Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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
Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 1.

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

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

Mr. Speaker:

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

SB 241. By Senators Hill of the 6th, Harbison of the 15th, Dugan of the 30th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the board of regents and university system, so as to provide for leadership and service recognition of students applying to institutions of the university system; to provide for

recommendations for admissions to the university system; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 399. By Representatives Knight of the 130th, Hamilton of the 24th, Stephens of the 165th, Kaiser of the 59th, Stephens of the 164th and others:

A BILL to be entitled an Act to amend Titles 6 and 48 of the Official Code of Georgia Annotated, relating to aviation and revenue and taxation, respectively, so as to clarify which type of interests in real property may be subject to ad valorem taxation; 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:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to powers of local governments as to air facilities, so as to clarify which type of interests in real property may be subject to ad valorem taxation; 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.

Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to powers of local governments as to air facilities, is amended by revising Code Section 6-3-21, relating to lands acquired, owned, leased, controlled, or occupied by local governments deemed for public purposes, as follows:

"6-3-21.

Any lands acquired, owned, leased, controlled, or occupied by counties, municipalities, or other political subdivisions for the purpose or purposes enumerated in Code Section 6-3-20 shall be and are declared to be acquired, owned, leased, controlled, or occupied for public, governmental, and municipal purposes; provided, however, that with respect to facilities located on such lands, which lands are located outside of the territorial limits of the political subdivision that leases such lands and which are leased to, controlled, or occupied by private parties, the interests created in such private parties, for the purpose of ad valorem taxation only, are declared not to be used for public, governmental, or municipal purposes and said resulting interests, ~~regardless of the~~

~~extent of such interest, whether possessory or an estate in land~~ so long as the interests create an estate in land, are subject to ad valorem taxation; provided, further, that the underlying fee interest in such property which remains vested in the county, municipality, or other political subdivision shall be deemed to be used for public, governmental, and municipal purposes. The municipality's interest in lands and the facilities located thereon located inside the territorial limits of a municipality which are owned by that municipality for the purposes enumerated in Code Section 6-3-20, are declared to be used for public, governmental, or municipal purposes and are not subject to ad valorem taxation."

SECTION 2.

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

SECTION 3.

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

Representative Jordan of the 77th moved that HB 399 be placed upon the table.

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

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

N Channell	N Geisinger	N Lindsey	N Rynders	N Willard
N Chapman	Y Glanton	N Lumsden	Y Scott	Y Williams, A
N Cheokas	E Golick	Y Mabra	N Setzler	N Williams, C
N Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
N Clark, V	N Gravley	N Martin	N Shaw	N Williamson
N Coleman	N Greene	N Maxwell	N Sheldon	N Yates
N Cooke	N Gregory	Y Mayo	N Sims, B	Ralston, Speaker

On the motion, the ayes were 53, nays 116.

The motion was lost.

The Committee substitute was adopted.

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

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

N Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harden	N Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	N Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatcher	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	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	N Dudgeon	Holmes	Y O'Neal	Y Strickland
Y Benton	N Dukes	Y Holt	N Pak	Y Talton
N Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
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
Brockway	Y England	Y Jacobs	Y Powell, A	N Teasley
N Brooks	N Epps, C	Y Jasperse	Y Powell, J	N Thomas, A.M.
N Bruce	Y Epps, J	Jones, J	Y Pruett	E Thomas, B
N Bryant	Y Evans	N Jones, L	Y Quick	Y Turner
N Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	N Floyd	N Jordan	E Randall	N Waites
Y Caldwell, J	N Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	N Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	N Gardner	Y Kirby	Y Rogers, T	N Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Chapman	N Glanton	Y Lumsden	N Scott	N Williams, A
Y Cheokas	E 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	Y 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 111, nays 56.

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

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.

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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon

Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E 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 171, nays 0.

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

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.

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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	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	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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner

Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E 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 168, nays 0.

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

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.

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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	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	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	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

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.

Representative Roberts of the 155th moved that HB 539 be placed upon the table.

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

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

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

On the motion, the ayes were 72, nays 89.

The motion was lost.

Representative Weldon of the 3rd moved the previous question.

The previous question was ordered.

The following amendment was read:

Representative Sims of the 169th et al. offer the following amendment:

Amend HB 539 (LC 35 2984) by replacing lines 9 through 17 with the following:

"(1) 'Campus' means the grounds and buildings owned or occupied by a college or university or the grounds and buildings of a school or training facility operated by or under the authority of the State Board of Education. The term 'campus' shall also include any public or private property within 500 yards of the property of an educational facility and one-quarter mile of any public street or public sidewalk connecting different buildings of the same educational facility ~~when the property or buildings of the educational facility are located within any county in this state having a population of 400,000 or more according to the United States decennial census of 1970 or any future such census.~~"

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

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

On the adoption of the amendment, the ayes were 92, nays 76.

The amendment was adopted.

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	N Coomer	N Hamilton	N McCall	Y Sims, C
Y Alexander	Cooper	Y Harbin	Meadows	Y Smith, E
N Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	N Smith, L
Y Anderson	Y Deffenbaugh	N Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	N Hatchett	N Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre

Y Barr	N Dickey	Y Henson	Y Murphy	N Spencer
Y Battles	Y Dickson	N Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	N Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	N Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	N Dudgeon	N Holmes	Y O'Neal	N Strickland
N Benton	Y Dukes	N Holt	Y Pak	Y Talton
Y Beverly	Dunahoo	Y Houston	N Parrish	Y Tankersley
N Black	N Duncan	Y Howard	Y Parsons	Y Tanner
N Braddock	N Dutton	Y Hugley	Y Peake	N Taylor, D
Y Broadrick	Ehrhart	Y Jackson	N Pezold	Y Taylor, T
N Brockway	N England	Y Jacobs	N Powell, A	N Teasley
Y Brooks	Y Epps, C	N Jasperse	N Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Jones, J	N Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	N Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
N Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	N Kelley	Y Riley	N Watson, S
Y Carson	Y Frye	Y Kendrick	N 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	N Rynders	Y Willard
N Chapman	Y Glanton	Y Lumsden	Y Scott	N Williams, A
Y Cheokas	E 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	N Martin	N Shaw	Y Williamson
Y Coleman	N Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 121, nays 47.

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

The Speaker assumed the Chair.

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.

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	N McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	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	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	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	Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
N Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	N Roberts	Y 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	E 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 3.

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

HB 203. By Representatives Hamilton of the 24th and Jasperse of the 11th:

A BILL to be entitled an Act to amend Part 3 of Article 7 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to protection of American Indian Human Remains and Burial Objects, so as to remove

certain information associated with recognized legitimate American Indian Tribes of Georgia; 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	N McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
N Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	N 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	N Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Jones, J	Y Pruett	E Thomas, B
Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	N Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y 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
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E 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
N Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 7.

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

HB 407. By Representatives Powell of the 32nd, Hitchens of the 161st, Atwood of the 179th, Rice of the 95th and Taylor of the 173rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of drivers' licenses, and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as a condition of probation, so as to modify and extend provisions related to the mandatory use of ignition interlock devices following a second conviction for driving under the influence of alcohol or drugs; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 5 of Title 40 and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of drivers' licenses and ignition interlock devices as a condition of probation, respectively, so as to modify and extend provisions related to the mandatory use of ignition interlock devices following a second conviction for driving under the influence of alcohol or drugs; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of drivers' licenses, is amended by revising paragraph (2) of subsection (a) of Code Section 40-5-63, relating to periods of suspension and conditions to return the driver's license, as follows:

"(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years. At the end of 120 days, the person may apply to the department for reinstatement of ~~said~~ such driver's license; except that if such license was suspended as a result of a second conviction of a violation of Code Section 40-6-391 within five years, the person shall not be eligible to apply for license reinstatement until the end of 18 months. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail

unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides proof of installation and maintenance of an ignition interlock device for a period of ~~six months~~ one year coinciding with the issuance of an ignition interlock device limited driving permit as provided in Code Section 40-5-64 unless waived due to financial hardship, and pays the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions; or"

SECTION 2.

Said article is further amended by revising paragraph (2) of subsection (e) of Code Section 40-5-64, relating to limited driving permits for certain offenders, as follows:

"(2) An ignition interlock device limited driving permit shall be valid for a period of ~~eight months~~ one year. Upon successful completion of ~~eight months~~ one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of ~~six~~ two months as provided in paragraph (1) of this subsection."

SECTION 3.

Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as a condition of probation, is amended by revising subsection (a) of Code Section 42-8-111, relating to court ordered installation of ignition interlock devices, notice to the Department of Public Safety, and fees for driver's license indicating device required, as follows:

"(a) Upon a second or subsequent conviction of a resident of this state for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, for which such person is granted probation, the court shall issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license, subject to the following conditions:

(1) Such person shall have installed and shall maintain in each motor vehicle registered in such person's name for a period of not less than ~~eight months~~ one year a functioning, certified ignition interlock device;

(2) Such person shall have installed and shall maintain in any other motor vehicle to be driven by such person for a period of not less than ~~eight months~~ one year a functioning, certified ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period. Upon successful completion of ~~eight months~~ one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of ~~six~~ two months as provided in paragraph (1) of subsection (e) of Code Section 40-5-64; and

(3) Such person shall participate in a substance abuse treatment program as defined in paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with Code Section 15-1-15 for a period of not less than 120 days.

For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a conviction of any offense under the law of another state or territory substantially conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of violating said Code section."

SECTION 4.

Said article is further amended by revising subsection (b) and paragraphs (1) and (3) of subsection (d) of Code Section 42-8-112, relating to proof of compliance required for reinstatement of certain drivers' licenses and for obtaining probationary license and reporting requirement, as follows:

"(b)(1) In any case where the court grants a certificate of eligibility for an ignition interlock device limited driving permit or probationary license pursuant to Code Section 42-8-111 to a person whose driver's license is revoked as a habitual violator pursuant to Code Section 40-5-58, the Department of Driver Services shall not issue a habitual violator probationary license until after the expiration of two years from the date of the conviction for which such certificate was granted.

(2) The Department of Driver Services shall condition issuance of a habitual violator probationary license for such person upon receipt of acceptable documentation of the following:

(A) That the person to whom such probationary license is to be issued has completed a DUI Alcohol or Drug Use Risk Reduction Program;

(B) That such person has completed a clinical evaluation as defined in Code Section 40-5-1 and enrolled in a substance abuse treatment program approved by the Department of Human Services or is enrolled in a drug court program;

(C) That such person has installed an ignition interlock device in any vehicle that he or she will be operating; and

(D) A certificate of eligibility for an ignition interlock device limited driving permit or probationary license from the court that sentenced such person for the conviction

that resulted in the suspension or revocation of his or her driver's license for which he or she is applying for a limited driving permit or probationary license.

(3) In any case where installation of an ignition interlock device is required, failure to show proof of such device shall be grounds for refusal of reinstatement of such license or issuance of such habitual violator's probationary license or the immediate suspension or revocation of such license.

(4) Any limited driving permit or probationary license issued to such person shall bear a restriction reflecting that the person may only operate a motor vehicle equipped with a functional ignition interlock device. No person whose limited driving permit or probationary license contains such restriction shall operate a motor vehicle that is not equipped with a functional ignition interlock device.

(5)(A) Any person who has been issued an ignition interlock device limited driving permit or a habitual violator probationary license bearing an ignition interlock device condition shall maintain such ignition interlock device in any motor vehicle he or she operates to the extent required by the certificate of eligibility for such permit or probationary license issued to such person by the court in which he or she was convicted for not less than ~~eight months~~ one year.

(B) Upon the expiration of such ~~eight-month~~ one-year ignition interlock device limited driving permit or habitual violator probationary license, the driver may, if otherwise qualified, apply for renewal of such permit or probationary license without such ignition interlock device restriction."

"(d)(1) If a person required to report to an ignition interlock provider as required by subsection (c) of this Code section fails to report to the provider as required or receives an unsatisfactory report from the provider at any time during the ~~six-month~~ one-year period, the Department of Driver Services shall revoke such person's ignition interlock device limited driving permit immediately upon notification from the provider of the failure to report or failure to receive a satisfactory report. Except as provided in paragraph (2) of this subsection, within 30 days after such revocation, the person may make a written request for a hearing and remit to the department a payment of \$250.00 for the cost of the hearing. Within 30 days after receiving a written request for a hearing and a payment of \$250.00, the Department of Driver Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded."

"(3) If the hearing officer determines that the person failed to report to the ignition interlock provider for any of the reasons specified ~~below in this paragraph~~, the Department of Driver Services shall issue a new ignition interlock device limited driving permit that shall be valid for a period of ~~six-months~~ one year to such person. Such reasons shall be for providential cause and shall include, but not be limited to, the following:

- (A) Medical necessity, as evidenced by a written statement from a medical doctor;
- (B) The person was incarcerated;
- (C) The person was required to be on the job at his or her place of employment, with proof that the person would be terminated if he or she was not at work; or

(D) The vehicle with the installed interlock device was rendered inoperable by reason of collision, fire, or a major mechanical failure."

SECTION 5.

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

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
N Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatcher	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
N Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	E Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Kendrick	Y Roberts	Y Welch
Y Carter	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	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 3.

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

HB 184. By Representatives Casas of the 107th, Golick of the 40th, Allison of the 8th, Ehrhart of the 36th and Brockway of the 102nd:

A BILL to be entitled an Act to amend Code Section 20-3-250.8 of the Official Code of Georgia Annotated, relating to applications to operate or conduct postsecondary activities under the "Nonpublic Postsecondary Educational Institutions Act of 1990," so as to provide for authorization to operate by means of accreditation for nonpublic postsecondary institutions that meet certain requirements; to provide for fees based on enrollment of students; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-3-250.8 of the Official Code of Georgia Annotated, relating to applications to operate or conduct postsecondary activities under the "Nonpublic Postsecondary Educational Institutions Act of 1990," so as to provide for authorization to operate by means of accreditation for nonpublic postsecondary institutions that meet certain requirements; to provide for fees based on enrollment of students; 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 20-3-250.8 of the Official Code of Georgia Annotated, relating to applications to operate or conduct postsecondary activities under the "Nonpublic Postsecondary Educational Institutions Act of 1990," is amended by revising subsection (a) as follows:

"(a)(1) Each nonpublic postsecondary educational institution desiring to operate or conduct postsecondary activities in this state shall make application to the commission, upon forms to be provided by the commission. Such application shall be accompanied by ~~a catalog~~ such a catalogue or other written description published, or proposed to be published, by ~~the nonpublic postsecondary educational~~ institution, containing the information specified in subparagraph (a)(1)(D) of Code Section 20-3-250.6, including information required by rules and regulations of the commission.

Such application shall also be accompanied by evidence of a surety bond if required by Code Section 20-3-250.10 and subsection (c) of Code Section 20-3-250.27 and shall be accompanied by payment of the fees specified in Code Section 20-3-250.11; provided, however, that when making application to the commission for authorization to operate, those nonpublic postsecondary educational institutions exempt from certain provisions of this part pursuant to the provisions of paragraph (10) of subsection (a) of Code Section 20-3-250.3 or subsection (c) of Code Section 20-3-250.3 shall be required to submit only those documents pertaining to provisions of this part from which such nonpublic postsecondary educational institutions are not exempt.

(2)(A) Notwithstanding paragraph (1) of this subsection, a nonprofit nonpublic postsecondary educational institution that meets the following criteria may apply for an authorization to operate by means of accreditation from the commission:

(i) Such institution has operated legally in this state for at least five consecutive years;

(ii) Such institution holds institutional accreditation by an accrediting agency that is recognized by either the Council for Higher Education Accreditation or the United States Department of Education; and

(iii) Such institution has no formal complaints or actions against it by the commission in the past 12 months which have been unresolved for more than 45 days.

(B) The commission may not require an institution granted an authorization to operate by means of accreditation pursuant to this paragraph to submit information or reports that differ from the information or reports required by its accrediting association; provided, however, that each such institution shall file with the commission an application for renewal which shall be accompanied by payment of fees as provided herein and shall follow all other applicable requirements of this part. Such fees shall be collected by the executive director and established by the commission and shall be based on the number of students enrolled in such institution, but in no event shall such fees exceed the cost of tuition of one credit hour per student enrolled. All fees collected pursuant to this paragraph shall be deposited in the state treasury to the credit of the general fund, and no fees collected pursuant to this paragraph shall be subject to refund.

(C) An institution granted an authorization to operate by means of accreditation pursuant to this paragraph shall be required to apply for and obtain a regular authorization to operate for any new or existing program which exceeds the level or scope of such institution's accreditation.

(3)(A) Notwithstanding paragraph (1) of this subsection, a for profit nonpublic postsecondary educational institution that meets the following criteria may apply for an authorization to operate by means of accreditation from the commission:

(i) Such institution has operated legally in this state for at least ten consecutive years;

(ii) Such institution holds institutional accreditation by an accrediting agency that is recognized by either the Council for Higher Education Accreditation or the United States Department of Education; and

(iii) Such institution has no formal complaints or actions against it by the commission in the past 12 months which have been unresolved for more than 45 days.

(B) The commission may not require an institution granted an authorization to operate by means of accreditation pursuant to this paragraph to submit information or reports that differ from the information or reports required by its accrediting association; provided, however, that each such institution shall file with the commission an application for renewal which shall be accompanied by payment of fees as provided herein and shall follow all other applicable requirements of this part. Such fees shall be collected by the executive director and established by the commission and shall be based on the number of students enrolled in such institution, but in no event shall such fees exceed the cost of tuition of one credit hour per student enrolled. All fees collected pursuant to this paragraph shall be deposited in the state treasury to the credit of the general fund, and no fees collected pursuant to this paragraph shall be subject to refund.

(C) An institution granted an authorization to operate by means of accreditation pursuant to this paragraph shall be required to apply for and obtain a regular authorization to operate for any new or existing program which exceeds the level or scope of such institution's accreditation."

SECTION 2.

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

The following amendment was read and adopted:

Representative Casas of the 107th et al. offer the following amendment:

Amend the substitute to HB 184 (LC 33 5078S) on lines 46 and 70 by substituting "\$2.00" for "the cost of tuition of one credit hour".

The Committee substitute, as amended, was adopted.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L

Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
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.
Bruce	Y Epps, J	Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Kendrick	Y Roberts	Y Welch
Y Carter	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	Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	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, as amended, the ayes were 166, nays 0.

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

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:

SB 225. By Senators Stone of the 23rd and Shafer of the 48th:

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

SB 231. By Senators Loudermilk of the 14th, Albers of the 56th, Ligon, Jr. of the 3rd, Hill of the 4th and Bethel of the 54th:

A BILL to be entitled an Act to amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to Georgia Driver's Education Commission, so as to extend the sunset provisions for the additional sums collected on fines for the purpose of funding the commission and driver education and training in Georgia; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 6:50 o'clock, this evening.

The Speaker called the House to order.

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 bill of the Senate:

SB 236. By Senators Jones of the 25th, Murphy of the 27th, Harper of the 7th, Tippins of the 37th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to require insurers issuing accident and sickness policies in this state to indicate on their premium statement to consumers the amount of the premium increase, if any, attributable to the Patient Protection and Affordable Care Act; 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 Senate:

SR 293. By Senator Gooch of the 51st:

A RESOLUTION honoring the life of Mr. Ralph A. Pierce and dedicating a road in his memory; and for other purposes.

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

HR 692. By Representatives Hill of the 22nd, Cheokas of the 138th, Yates of the 73rd and Sims of the 169th:

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

The following Resolutions of the House were read and adopted:

HR 693. By Representative Douglas of the 78th:

A RESOLUTION recognizing and commending Mindless Behavior; and for other purposes.

HR 694. By Representatives Alexander of the 66th and Morgan of the 39th:

A RESOLUTION recognizing and commending Syndicutz Barbershop; and for other purposes.

HR 695. By Representatives Parrish of the 158th, Channell of the 120th, Smyre of the 135th, Ralston of the 7th and Wilkinson of the 52nd:

A RESOLUTION recognizing and commending Joseph A. Parker upon his retirement; and for other purposes.

HR 696. By Representatives Drenner of the 85th and Henson of the 86th:

A RESOLUTION recognizing and commending New Beginning Full Gospel Baptist Church for its program on the Freedom Rides; and for other purposes.

HR 697. By Representatives Harbin of the 122nd, Fleming of the 121st and Sims of the 123rd:

A RESOLUTION recognizing and commending Thomas Alexander Crow; and for other purposes.

HR 698. By Representative Allison of the 8th:

A RESOLUTION commending Ansley Vardeman for her significant achievements; and for other purposes.

HR 699. By Representative Shaw of the 176th:

A RESOLUTION recognizing and commending Mrs. Tara Terrell on her outstanding accomplishments; and for other purposes.

HR 700. By Representatives Drenner of the 85th and Henson of the 86th:

A RESOLUTION recognizing the Institute for Georgia Environmental Leadership (IGEL); and for other purposes.

HR 701. By Representatives Alexander of the 66th and Gravley of the 67th:

A RESOLUTION recognizing and commending Mark Stephen Haney, Jr.; 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 150. By Representatives Bruce of the 61st, Pruett of the 149th, Roberts of the 155th, Burns of the 159th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 10, Chapter 1 of Title 35, Article 4 of Chapter 18 of Title 50, and Title 51 of the O.C.G.A., relating to selling and other trade practices, general provisions for law enforcement officers and agencies, inspection of public records, and torts, respectively, so as to enact provisions relating to the reproduction of arrest booking photographs; to require law enforcement agencies to copyright or watermark certain photographs; to authorize copyrighting of public records; to provide for the right of publicity in an individual's persona; to prohibit the use of an individual's persona for commercial purposes without authorization; 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 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to the Fair Business Practices Act, so as to change provisions relating to prohibited telemarketing and Internet activities; to provide for definitions; to prohibit certain persons from collecting a fee for removing certain individuals' arresting booking photographs from a website; to change provisions relating to acts exempt from the part; 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.

Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to the Fair Business Practices Act, is amended in Code Section 10-1-393.5, relating to prohibited telemarketing, Internet activities, or home repair, by adding a new subsection to read as follows:

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

(A) 'Photograph' means a photograph of a subject individual that was taken in this state by an arresting law enforcement agency.

(B) 'Subject individual' means an individual who was arrested and had his or her photograph taken and:

(i) Access to his or her case or charges was restricted pursuant to Code Section 35-3-37;

(ii) Prior to indictment, accusation, or other charging instrument, his or her case was never referred for further prosecution to the proper prosecuting attorney by the arresting law enforcement agency and the offense against such individual was closed by the arresting law enforcement agency;

(iii) Prior to indictment, accusation, or other charging instrument, the statute of limitations expired;

(iv) Prior to indictment, accusation, or other charging instrument, his or her case was referred to the prosecuting attorney but was later dismissed;

(v) Prior to indictment, accusation, or other charging instrument, the grand jury returned two no bills;

(vi) After indictment or accusation, all charges were dismissed or nolle prossed;

(vii) After indictment or accusation, the individual pleaded guilty to or was found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug and was sentenced in accordance with the provisions of Code Section 16-13-2, and the individual successfully completed the terms and conditions of his or her probation; or

(viii) The individual was acquitted of all of the charges by a judge or jury.

(2) Any person who is engaged in any activity involving or using a computer or computer network who publishes on such person's website a subject individual's arrest booking photograph for purposes of commerce shall be deemed to be transacting business in this state. Within 30 days of the sending of a written request by a subject individual, including his or her name, date of birth, date of arrest, and the name of the arresting law enforcement agency, such person shall, without fee or compensation, remove from such person's website the subject individual's arrest booking photograph. Such written request shall be transmitted via certified mail, return receipt requested, or statutory overnight delivery, to the registered agent, principal place of business, or primary residence of the person who published the website. Without otherwise limiting the definition of unfair and deceptive acts or practices under this part, a failure to comply with this paragraph shall be unlawful."

SECTION 2.

Said part is further amended by revising paragraph (2) of Code Section 10-1-396, relating to acts exempt from part, as follows:

"(2) Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, ~~or~~ radio or television station, or website in the publication or dissemination of:

(A) News or commentary; or

(B) An ~~an~~ advertisement of or for another person, when the publisher, owner, agent, or employee did not have knowledge of the false, misleading, or deceptive character of the advertisement, did not prepare the advertisement, or did not have a direct financial interest in the sale or distribution of the advertised product or service."

SECTION 3.

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

SECTION 4.

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

The 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	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre

Y Barr	Y Dickey	Y Henson	E Murphy	N Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
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	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	N Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	N 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	E 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 165, nays 3.

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

HB 494. By Representatives Welch of the 110th, Cheokas of the 138th and Pruett of the 149th:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to provide for the installation of safety markers on utility lines to provide for adequate visual warning in the use of private airstrips; to provide for definitions; to provide for the powers, authority, and duties of the Department of Transportation; to provide for a schedule of installation fees; to impose a penalty; to provide an appeal process; to provide for the promulgation of rules and regulations by the department; to provide for related matters; 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 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to provide for the installation of safety markers on utility lines to provide for adequate visual warning in the use of private airstrips; to provide for definitions; to provide for the powers, authority, and duties of the Department of Transportation; to provide for a schedule of installation fees; to impose a penalty; to provide an appeal process; to provide for the promulgation of rules and regulations by the department; 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.

Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, is amended by adding a new Code section to read as follows:

"32-9-8.1.

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

(1) 'Appurtenant utility line' means an above ground electrical power line or nonelectrical cable or wire that penetrates a 20:1 approach slope as measured from the runway threshold at either end of the private airstrip.

(2) 'Installation fee schedule' means a listing of fees necessary to purchase and install safety markers as determined by the department.

(3) 'Private airstrip' means a privately owned landing strip for airplanes, gliders, or helicopters for personal or private use that is not open to the general public and not subject to the provisions of Code Section 32-9-8.

(4) 'Safety marker' means a highly visible object or device affixed to an appurtenant utility line which alerts operators of aircraft to the existence of the appurtenant utility line.

(b) Any owner of a private airstrip may make a written notice, either by certified mail or statutory overnight delivery, return receipt requested, to an owner of an appurtenant utility line requesting the installation of safety markers. Within 90 days of the owner of an appurtenant utility line's receipt of such written notice, the owner of the appurtenant utility line shall:

(1) Determine the appropriate type, number, and location of safety markers to be installed on the appurtenant utility line which will provide adequate visual warning to the flying public of the close proximity of the appurtenant utility lines to the private airstrip;

(2) Determine the installation fee costs for the installation of such safety markers based on the installation fee schedule developed by the department; and

(3) Provide notice to the owner of the private airstrip as to the type, number, location, and installation fee of the requisite safety markers.

The owner of the appurtenant utility line shall file a request for review pursuant to subsection (e) of this Code section if such owner is unable to comply or anticipates being unable to comply with this subsection for any reason, including but not limited to the time provided for responding to the owner of the private airstrip, the time provided for installation, or the fees set in the installation fee schedule.

(c) The owner of the private airstrip shall have 90 days from the receipt of notice under paragraph (3) of subsection (b) of this Code section to:

(1) Remit to the owner of the appurtenant utility line the full amount of the installation fee;

(2) File a request for review pursuant to subsection (e) of this Code section; or

(3) Provide written notice to the owner of the appurtenant utility line of his or her decision not to pursue the installation of the safety markers. If the owner of the private airstrip provides such written notice or does not take any action under paragraph (1) or (2) of this subsection, the owner of the appurtenant utility line shall have no further obligation under this Code section; provided, however, that this paragraph shall not be construed to prohibit the owner of the private airstrip from sending written notice to the same owner of an appurtenant utility line in any subsequent calendar year.

(d) If the owner of the private airstrip pays the full amount of the installation fee under paragraph (1) of subsection (c) of this Code section, the owner of the appurtenant utility line shall have 90 days from receipt of payment to purchase the safety markers and complete the installation. The owner of the appurtenant utility line shall file a request for review pursuant to subsection (e) of this Code section and may be granted up to two extensions of time not to exceed 90 days upon a showing that the need for an extension is the result of force majeure or the lack of market supply of the requisite safety markers.

(e) If any owner of an appurtenant utility line fails to comply with any provision of this Code section or any owner of an appurtenant utility line anticipates an inability to comply with any provision of this Code section, then an order enforcing this Code section or granting an exception may be sought from the department. Either party may file with the department a written request for review of the matter. Any such request for review shall be accompanied by a filing fee of \$50.00 and shall include any documents or forms required by the department. A copy of such request for review shall be served upon the other party by certified mail or statutory overnight delivery, return receipt requested. The department shall within 30 days after the filing of such request investigate the matter and issue an order either requiring the owner of the appurtenant utility line to take such action as is necessary for purposes of compliance with this Code section or grant an exception to the owner of the appurtenant utility line as to time for compliance or a deviation from the installation fee schedule of the department. Copies of any such order of the department shall be served upon all parties by certified mail or statutory overnight delivery, return receipt requested. The department shall keep detailed records of its costs of investigation and review for

purposes of this subsection, and such records shall be subject to public inspection as provided by Article 4 of Chapter 18 of Title 50.

(f) If any owner of an appurtenant utility line fails to comply with any order of the department under subsection (e) of this Code section within 15 days after receipt of such order, then after notice and opportunity for a hearing, such owner of an appurtenant utility line shall be subject to a civil penalty in the amount of \$1,000.00 per day beginning 15 days after the date of receipt of the order of the department until the owner of the appurtenant utility line has complied with the order of the department; provided, however, that the department may grant an extension of time for compliance without penalty upon a showing that the owner of the appurtenant utility line's failure to timely comply was due to force majeure. Any fine under this subsection shall be tolled for the period from the filing of a petition for a judicial review and shall be subject to judicial review in such manner as is provided by law for judicial review of contested cases under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' until the rendering of a final decision.

(g) The department shall promulgate such rules and regulations as are necessary to implement the provisions of this Code section, including, but not limited to, the promulgation of rules and regulations to establish the installation fee schedule."

SECTION 2.

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 October 1, 2013.

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	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Stephens, M
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	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	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	N Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkinson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Willard
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	E Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 2.

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

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

Mr. Speaker:

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

SB 121. By Senators Ramsey, Sr. of the 43rd, Henson of the 41st, Chance of the 16th, Hill of the 32nd, Carter of the 1st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates for retired members of the General Assembly; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 172. By Senators Jones of the 10th, Thompson of the 33rd, Carter of the 42nd, Chance of the 16th, Jackson of the 2nd and others:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the board of regents and University System of Georgia, so as to provide for a civil rights museum as a division of the Georgia Capitol Museum; to repeal conflicting laws; and for other purposes.

SB 242. By Senators Hill of the 6th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 36-42-8 of the Official Code of Georgia Annotated, relating to powers of downtown development authorities generally, so as to provide that downtown development authorities may undertake projects regarding reducing energy or water consumption on property or installing an improvement to property that produces energy from renewable resources within the territorial boundaries of the municipality; to provide for related matters; to provide an effective date; 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 was taken up for consideration and read the third time:

HB 499. By Representatives Sheldon of the 104th, Lindsey of the 54th, Welch of the 110th, Williamson of the 115th, Jacobs of the 80th 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 for torts, so as to provide that payor guidelines and criteria under federal law shall not establish a legal basis for negligence or a standard of care for medical malpractice; 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 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, so as to provide that payor guidelines and criteria under federal law shall not establish a legal basis for negligence or a standard of care for medical malpractice or product liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, is amended by adding a new Code section to read as follows:

"51-1-52.

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

(1) 'Criteria' means criteria relating to administrative procedures and shall not include criteria relating to medical treatment, quality of care, or best practices.

(2) 'Guideline' means a guideline relating to administrative procedures and shall not include guidelines relating to medical treatment, quality of care, or best practices.

(3) 'Payor' means any insurer, health maintenance organization, self-insurance plan, or other person or entity which provides, offers to provide, or administers hospital, outpatient, medical, or other health care benefits to persons treated by a health care provider in this state pursuant to any policy, plan, or contract of accident and sickness insurance as defined in Code Section 33-7-2.

(4) 'Standard' means a standard relating to administrative procedures and shall not include standards relating to medical treatment, quality of care, or best practices.

(b) The development, recognition, or implementation of any guideline by any public or private payor or the establishment of any payment standard or reimbursement criteria under any federal laws or regulations related to health care shall not be construed, without competent expert testimony establishing the appropriate standard of care, to establish a legal basis for negligence or the standard of care or duty of care owed by a health care provider to a patient in any civil action for medical malpractice or product liability. Nor shall compliance with such a guideline, standard, or criteria establish a health care provider's compliance with the standard of care or duty of care owed by a health care provider to a patient in any civil action for medical malpractice or medical product liability without competent expert testimony establishing the appropriate standard of care."

SECTION 2.

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

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

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

N Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R

Y Ballinger	Y Dickerson	Y Hawkins	N Mosby	Y Smyre
Y Barr	Y Dickey	N Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	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	Y Drenner	N Holcomb	N Oliver	N 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	N Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
N Brooks	Y Epps, C	Y Jasperse	Y Powell, J	N Thomas, A.M.
Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	N Evans	N Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Jordan	N Randall	N Waites
Y Caldwell, J	Y Fludd	N Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E 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	Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	Y Williams, A
Y Cheokas	E Golick	N Mabra	Y Setzler	Y Williams, C
Y Clark, J	N Gordon	Y Marin	N Sharper	N Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	N Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 134, nays 35.

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

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

Mr. Speaker:

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

SB 85. By Senators Bethel of the 54th, Mullis of the 53rd, Golden of the 8th, Carter of the 1st, Loudermilk of the 14th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the O.C.G.A., relating to physicians, so as to authorize the administration of

vaccines by pharmacists or nurses pursuant to vaccine protocol agreements with physicians; to provide for definitions; to provide requirements for the content of vaccine protocol agreements; to provide that a party to a vaccine protocol agreement shall not delegate his or her authority; to limit the number of vaccine protocol agreements into which a physician may enter at any one time; to prohibit certain entities from entering into vaccine protocol agreements; to provide for rules and regulations; to provide for limited liability; to provide for applicability; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 282. By Representatives Hamilton of the 24th, Parsons of the 44th, Stephens of the 164th, Roberts of the 155th, Harbin of the 122nd and others:

A BILL to be entitled an Act to amend Title 36 of the O.C.G.A., relating to local government, so as to enact the "Municipal Broadband Investment Act"; to allow for public providers of broadband service to provide such services in unserved areas; to provide for a short title; to prohibit a public provider from providing broadband service to areas that are not unserved areas unless such provider is providing such broadband service as of a date certain; to provide for the authority and jurisdiction of the Public Service Commission to make a determination as to whether an area is an unserved area and as to certain violations; to provide for procedures; to provide a cause of action and for recovery; to provide for rules and regulations; 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 36 of the Official Code of Georgia Annotated, relating to local government, so as to enact the "Municipal Broadband Investment Act"; to allow for public providers of broadband service to provide such services in unserved areas; to provide for a short title; to provide for definitions; to prohibit a public provider from providing broadband service to areas that are not unserved areas unless such provider is providing such broadband service as of a date certain; to provide for the authority and jurisdiction of the Public Service Commission to make a determination as to whether an area is an unserved area and as to certain violations; to provide for procedures; to provide a cause of action and for recovery; to provide for rules and regulations; 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 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new chapter to read as follows:

"CHAPTER 90A

36-90A-1.

This chapter shall be known and may be cited as the 'Municipal Broadband Investment Act.'

36-90A-2.

As used in this chapter, the term:

(1) 'Broadband service' means Internet access service with transmission speeds that are equal to or greater than 3.0 megabits per second in the faster direction.

(2) 'Census block' means an area so designated by the United States decennial census of 2010 or any future census.

(3) 'Commission' means the Public Service Commission.

(4) 'National Broadband Map' means a map showing broadband availability across the United States created and maintained by the National Telecommunications and Information Administration in collaboration with the Federal Communications Commission.

(5) 'Private provider' means any person, firm, partnership, corporation, or association, other than a public provider, offering broadband service.

(6) 'Public provider' means any county, municipal corporation, or other political subdivision of this state which provides broadband service, whether directly, indirectly, or through any authority or instrumentality acting on behalf of or jointly with other public providers, for the benefit of any county, municipal corporation, or other political subdivision of this state; provided, however, that such term shall not include a municipal corporation, or any authority or instrumentality of a municipal corporation, that owns or operates an electric utility.

(7) 'Unserved area' means a census block for which the National Broadband Map shows no broadband service is available.

36-90A-3.

(a) On and after July 1, 2013, a public provider shall only offer broadband service to unserved areas; provided, however, that such public provider may:

(1) Continue to offer broadband service to any census block to which it provided broadband service on or before June 30, 2013; and

(2) Offer broadband service to any census block in which it had, on or before June 30, 2013, infrastructure capable of providing broadband service.

(b) A public provider seeking to provide broadband service in an area shall file a petition with the commission for a determination that such area is an unserved area. The public provider shall include with the petition a list of any census blocks that encompass the proposed area. Upon a determination by the commission that all of the census blocks in a proposed area are unserved areas, the public provider may commence the provision of broadband service in such unserved areas.

36-90A-4.

At any time, upon its own complaint or the complaint of any private provider or any other interested party, the commission shall have the authority and jurisdiction, after notice to all affected broadband service providers and interested parties, and after a hearing, to make a determination of any violation of this chapter by appropriate orders.

36-90A-5.

If any public provider does, causes, or permits any act which is prohibited, forbidden, or declared to be unlawful under this chapter, or fails to do any act which is required by an order of the commission, such public provider shall be liable to the persons affected thereby for all loss, damage, or injury caused thereby or resulting therefrom. An action to declare such an act or failure to act unlawful, enjoin the same, and recover loss, damage, or injury may be brought in any court of competent jurisdiction by any such persons affected. In case of recovery, if the jury finds that such act or failure to act was willful, it may fix a reasonable attorney's fee, which shall be taxed and collected as part of the costs of the case.

36-90A-6.

The commission shall have the authority to promulgate such rules and regulations as it deems necessary to carry out the provisions and intention of this chapter."

SECTION 2.

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

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

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

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

N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
N Bell	N Douglas	Y Hitchens	N Nix	N Stephenson
N Bennett	N Drenner	N Holcomb	N Oliver	Y Stovall
N Bentley	Y Dudgeon	N Holmes	Y O'Neal	N Strickland
N Benton	N Dukes	N Holt	N Pak	Y Talton
N Beverly	N Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	N Howard	Y Parsons	Tanner
N Braddock	N Dutton	N Hugley	Y Peake	N Taylor, D
N Broadrick	Y Ehrhart	N Jackson	N Pezold	N Taylor, T
Y Brockway	England	Y Jacobs	Y Powell, A	Y Teasley
N Brooks	N Epps, C	Y Jasperse	N Powell, J	N Thomas, A.M.
Bruce	N Epps, J	Y Jones, J	Y Pruett	E Thomas, B
Y Bryant	N Evans	N Jones, L	N Quick	N Turner
N Buckner	N Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	N Floyd	Y Jordan	Y Randall	Waites
N Caldwell, J	Y Fludd	N Kaiser	Y Rice	Y Watson, B
N Caldwell, M	E Frazier	N Kelley	N Riley	N Watson, S
Y Carson	N Frye	N Kendrick	Y Roberts	N Welch
N Carter	Y Fullerton	N Kidd	Y Rogers, C	N Weldon
Y Casas	N Gardner	Kirby	N Rogers, T	N Wilkerson
Y Chandler	N Gasaway	Y Knight	N Rutledge	N Wilkinson
Y Channell	N Geisinger	Y Lindsey	Y Rynders	N Willard
N Chapman	Y Glanton	N Lumsden	N Scott	Y Williams, A
Y Cheokas	E Golick	N Mabra	N Setzler	N Williams, C
N Clark, J	Gordon	N Marin	N Sharper	Y Williams, E
N Clark, V	N Gravley	Y Martin	Y Shaw	Williamson
N Coleman	N 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 70, nays 94.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 189. By Representatives Buckner of the 137th, Stephens of the 164th, Jackson of the 128th, Epps of the 144th, Williams of the 168th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic areas, memorials, and recreation generally, so as to require the Department of Natural Resources to notify local governing authorities before making certain significant changes in services at state parks, historic sites, or recreational areas located within the area of the local governing authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic areas, memorials, and recreation generally, so as to require the Department of Natural Resources to notify local governing authorities before making certain significant changes in services at state parks, historic sites, or recreational areas located within the area of the local governing authority; 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 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic areas, memorials, and recreation generally, is amended by adding a new Code section to read as follows:

"12-3-12.

(a) As used in this Code section, the term 'change in services' means the:

- (1) Permanent change of a primary existing operational function;
- (2) Reduction by 50 percent or more of the hours of operation or services; or
- (3) Closure

of any state park, historic site, or recreational area operated by or pursuant to the authority of the department.

(b) Prior to making a change in services, the department shall provide 60 days' notice to the governing authority of each municipality and county in which any part of the state park, historic site, or recreational area is located regarding the specific proposed change in services. The notice required by this Code section shall be made in writing and sent to the applicable chairperson of the county commissioners and the mayor of the municipality."

SECTION 2.

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

An amendment by Representative Bryant of the 162nd was ruled not germane.

The Committee substitute was adopted.

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

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

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

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

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

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

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

Mr. Speaker:

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

SB 92. By Senators Fort of the 39th, Henson of the 41st, Ramsey, Sr. of the 43rd, Mullis of the 53rd, James of the 35th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to excise taxes on rental motor vehicles, so as to add public transit to the authorized purposes for the proceeds of such tax; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 94. By Senators Millar of the 40th, Unterman of the 45th, Hufstetler of the 52nd and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of certain medical acts to advanced practice registered nurses, so as to revise provisions relating to the delegation of authority to order radiographic imaging tests; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 158. By Senators Orrock of the 36th, Unterman of the 45th, Stone of the 23rd, Ligon, Jr. of the 3rd, Henson of the 41st and others:

A BILL to be entitled an Act to amend Code Section 29-4-18 of the Official Code of Georgia Annotated, relating to definitions, requirements, and termination of temporary medical consent guardianship, so as to change certain signatures on a Physician Order for Life-sustaining Treatment; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 178. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Article 6 of Chapter 6 of Title 47 of the Official Code of Georgia Annotated, relating to retirement, retirement allowances, and death benefits under the Georgia Legislative Retirement System, so as to define a certain term; to broaden a certain provision prohibiting a person receiving a pension under such retirement system from accepting public employment; to provide that the board of trustees of such retirement system shall have the authority to provide for the time and circumstances of paying benefits as necessary to comply with federal law; to repeal conflicting laws; and for other purposes.

- SB 213. By Senators Tolleson of the 20th, Sims of the 12th, Burke of the 11th, Hill of the 4th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, the "Flint River Drought Protection Act," so as to clarify legislative intent; to revise definitions; to expand programs and provide for completion of new studies; to provide for additional powers of the

director; to provide for new irrigation efficiency requirements; to provide for participation in augmented flow programs; 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 Resolution of the House was taken up for consideration and read the third time:

HR 73. By Representatives Hugley of the 136th, Buckner of the 137th and Smyre of the 135th:

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

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

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

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

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

On the adoption of the Resolution, the ayes were 97, nays 58.

The Resolution, having received the requisite constitutional majority, was adopted.

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 11, 2013, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, March 11, 2013.