Representative Hall, Atlanta, Georgia

Wednesday, March 20, 2013

Thirty-Fifth Legislative Day

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

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

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

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

Representatives Anderson of the 92nd, Bell of the 58th, Beverly of the 143rd, Dollar of the 45th, Floyd of the 99th, Frazier of the 126th, Fullerton of the 153rd, Jordan of the 77th, Knight of the 130th, Morris of the 156th, Murphy of the 127th, Oliver of the 82nd,

Sims of the 169th, Smith of the 134th, Smyre of the 135th, Stovall of the 74th, Talton of the 147th, and Williams of the 168th.

They wished to be recorded as present.

Prayer was offered by Pastor Bill Barber, First Baptist Church of Thomaston, Thomaston, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

1. Introduction of Bills and Resolutions.

2. First reading and reference of House Bills and Resolutions.

3. Second reading of Bills and Resolutions.

4. Reports of Standing Committees.

5. Third reading and passage of Local uncontested Bills.

6. First reading and reference of Senate Bills and Resolutions.

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

HB 608. By Representative Houston of the 170th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to expand criminal background check requirements for applicants for employment by certain facilities licensed by the Department of Community Health; to revise provisions relating to criminal background checks for directors and employees of

personal care homes and employees of nursing homes; to amend Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to powers and duties of the Georgia Crime Information Center, so as to authorize the retaining of certain fingerprint records for continuous monitoring; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 609. By Representatives Rogers of the 10th and Gasaway of the 28th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Demorest," approved May 5, 2006 (Ga. L. 2006, p. 4301), as amended, so as to provide that the corporate limits of such city shall include certain property; to provide for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 610. By Representatives Williamson of the 115th, Brockway of the 102nd, Shaw of the 176th and Hugley of the 136th:

A BILL to be entitled an Act to amend Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to agents, agencies, subagents, counselors, and adjusters, so as to provide for the licensing and regulation of public adjusters; to provide for definitions; to provide for written contracts; to provide for standard of conduct; to provide for penalties; 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.

HB 611. By Representatives Hugley of the 136th and Randall of the 142nd:

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 relating to health, so as to require certain notice in a mammogram report to patients with dense breast tissue; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 612. By Representative Chapman of the 167th:

A BILL to be entitled an Act to amend an Act implementing the Brunswick and Glynn County Development Authority, approved April 2, 1963 (Ga. L. 1963, p. 2826), as amended by an Act approved March 30, 1965 (Ga. L. 1965, p. 2928), an Act approved April 9, 1981 (Ga. L. 1981, p. 4335), an Act approved March 14, 1983 (Ga. L. 1983, p. 4057), which Act was enacted pursuant to an amendment to the Constitution set out at Ga. L. 1962, p. 810, and an Act approved March 31, 1987 (Ga. L. 1987, p. 5391), so as to change the method of appointing the membership; to change the number of members; to amend the term of office of such membership; to provide for certain limitations on serving; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 613. By Representatives Henson of the 86th, Drenner of the 85th, Oliver of the 82nd, Mosby of the 83rd, Dawkins-Haigler of the 91st and others:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 614. By Representatives Jacobs of the 80th, Holcomb of the 81st, Oliver of the 82nd, Taylor of the 79th, Mayo of the 84th and others:

A BILL to be entitled an Act to amend an Act entitled the "Unincorporated DeKalb County Community Improvement District Act of 1998," approved April 2, 1998 (Ga. L. 1998, p. 4228), as amended, particularly by an Act approved May 6, 2009 (Ga. L. 2009, p. 3549), so as to provide a definition for the governing authority of the City of Brookhaven; to provide for the composition of the district board upon the incorporation of some portion of the district; to provide for future expansion of the district; to provide for debt of the district; to provide for cooperation of the district with the City of Brookhaven; to provide for powers of the district board; to provide for the adoption of a dissolution resolution; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 615. By Representatives Alexander of the 66th, Bruce of the 61st, Jones of the 62nd and Beasley-Teague of the 65th:

A BILL to be entitled an Act to amend an Act creating a board of elections and registration for Douglas County, approved May 13, 2008 (Ga. L. 2008, p. 3880), so as to provide for composition of the board and the selection and appointment of members; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 616. By Representative Morris of the 156th:

A BILL to be entitled an Act to provide a new charter for the City of Lyons to provide for severability; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 617. By Representative Marin of the 96th:

A BILL to be entitled an Act 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 tax, so as to provide for an income tax credit with respect to qualified citizenship expenses for low-income families; to provide for definitions; to provide for conditions and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 618. By Representatives Drenner of the 85th and Turner of the 21st:

A BILL to be entitled an Act to amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, so as to preempt certain local ordinances relating to production of agricultural or farm products; to provide for a short title; to provide for effect on certain causes of action; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 619. By Representatives Oliver of the 82nd, Holcomb of the 81st, Jacobs of the 80th, Taylor of the 79th, Drenner of the 85th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Chamblee, approved March 28, 1935 (Ga. L. 1935, p. 976), as amended, so as to change the corporate limits of the city; to provide for a referendum; to provide for related matters; to provide for automatic repeal and a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 620. By Representative Rice of the 95th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 621. By Representative Powell of the 32nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of drivers' licenses to persons completing defensive driving course or alcohol or drug program, so as to provide for approval of certain programs' curriculums; to provide for certificates of completion; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 622. By Representative Greene of the 151st:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Quitman County, approved March 16, 1994 (Ga. L. 1994, p. 3689), as amended, so as to change certain provisions regarding the

compensation of the chairperson and members of the board and provide for a monthly salary in lieu of per diem; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 739. By Representatives Jasperse of the 11th, Meadows of the 5th and Dickson of the 6th:

A RESOLUTION dedicating the Pathway to the Smokies; and for other purposes.

Referred to the Committee on Transportation.

HR 740. By Representatives Dollar of the 45th, Stephens of the 164th, Teasley of the 37th and Drenner of the 85th:

A RESOLUTION creating the House Study Committee on the Economic Impact of Expanding the Renewable Energy Market in Georgia; and for other purposes.

Referred to the Committee on Economic Development & Tourism.

HR 741. By Representatives Marin of the 96th, Abrams of the 89th, Hugley of the 136th, Brooks of the 55th and Dawkins-Haigler of the 91st:

A RESOLUTION requesting the support of the Supreme Court of the United States to affirm the clear constitutionality of Section 5 of the federal Voting Rights Act of 1965; and for other purposes.

Referred to the Committee on Judiciary.

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

HB 623. By Representative Benton of the 31st:

A BILL to be entitled an Act to create the City of Commerce Public Facilities Authority; to provide for a short title and legislative findings; to provide for severability; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes

Referred to the Committee on Intragovernmental Coordination - Local.

HB 624. By Representative Greene of the 151st:

A BILL to be entitled an Act to amend an Act creating the Dawson-Terrell County Airport Authority, approved April 4, 1997 (Ga. L. 1997, p. 3696), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3958), so as to change the membership; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 625. By Representatives Hitchens of the 161st and Burns of the 159th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Rincon," approved April 4, 1997 (Ga. L. 1997, p. 3556), as amended, particularly by an Act approved April 15, 2005 (Ga. L. 2005, p. 3547), so as to provide that the corporate limits of such town shall include certain property; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 626. By Representative Channell of the 120th:

A BILL to be entitled an Act to amend an Act to create and establish the Greene County Airport Authority, approved March 13, 1978 (Ga. L. 1978, p. 3223), so as to split the position of secretary-treasurer into two separate positions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 627. By Representatives Jones of the 47th, Geisinger of the 48th, Riley of the 50th, Wilkinson of the 52nd, Dudgeon of the 25th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in unincorporated Fulton County, approved April 3, 1987 (Ga. L. 1987, p. 5460), as amended, particularly by an Act approved April 2, 1998 (Ga. L. 1998, p. 4065), so as to change a certain provision relating to the dissolution of the district; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 628. By Representatives Neal of the 2nd, Deffenbaugh of the 1st and Weldon of the 3rd:

A BILL to be entitled an Act to amend an Act to change the method of filling vacancies on the board of the hospital authority of Walker, Dade, and Catoosa counties, approved April 12, 1982 (Ga. L. 1982, p. 4531), so as to revise the method of filling vacancies; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 629. By Representatives Gregory of the 34th and Wilkerson of the 38th:

A BILL to be entitled an Act to provide a new charter for the City of Kennesaw; to provide for reincorporation; to provide for an effective date; to repeal specific laws; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 630. By Representative Kelley of the 16th:

A BILL to be entitled an Act to amend an Act creating a board of elections and registration for Polk County, approved March 30, 1989 (Ga. L. 1989, p. 4652), so as to provide for districts; to provide for terms of office; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 631. By Representative Kelley of the 16th:

A BILL to be entitled an Act to amend an Act creating the Polk County Water Authority, approved April 14, 1967 (Ga. L. 1967, p. 3108), as amended, particularly by an Act approved May 18, 2007 (Ga. L. 2007, p. 3949), so as to change certain provisions relating to the appointment, taking of office, and terms of office of members of the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 632. By Representatives Dukes of the 154th and Greene of the 151st:

A BILL to be entitled an Act to amend an Act providing for the Joint County-Municipal Board of Registration and Elections for Dougherty County

and the City of Albany, approved March 18, 1986 (Ga. L. 1986, p. 3831), as amended, particularly by an Act approved April 16, 1999 (Ga. L. 1999, p. 4234), so as to provide for the appointment of members; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 633. By Representatives Wilkerson of the 38th, Ehrhart of the 36th, Bruce of the 61st, Evans of the 42nd, Smith of the 41st and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Powder Springs, approved March 13, 1970 (Ga. L. 1970, p. 2760), as amended, so as 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 634. By Representatives Wilkerson of the 38th, Ehrhart of the 36th, Bruce of the 61st, Smith of the 41st, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Powder Springs, approved March 13, 1970 (Ga. L. 1970, p. 2760), as amended, so as to provide for city council terms and qualifications for office; to provide for election of the city council and mayor; to provide for the powers and duties of the city manager; to provide for the qualifications of the municipal court judges; to provide for a code of ethics; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 635. By Representative Pruett of the 149th:

A BILL to be entitled an Act to amend an Act to provide for the membership of the Dodge County-Eastman Development Authority, approved May 1, 2012 (Ga. L. 2012, p. 4970), so as to change the membership and terms of office of the Dodge County-Eastman Development Authority; to provide for the transfer of the powers, duties, assets, property, liabilities, and indebtedness of the Heart of Georgia Regional Airport Authority to the Dodge County-Eastman Development Authority; to provided a statement of

authority; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 636. By Representative Pruett of the 149th:

A BILL to be entitled an Act to amend an Act to create the Heart of Georgia Regional Airport Authority, approved April 18, 1995 (Ga. L. 1995, p. 4448), as amended, so as to abolish the authority; to transfer all powers, powers, duties, assets, property, liabilities, and indebtedness of the authority to the Dodge County-Eastman Development Authority; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 637. By Representative Cheokas of the 138th:

A BILL to be entitled an Act to amend Code Sections 15-9-60 and 15-10-80 of the Official Code of Georgia Annotated, relating to costs for probate courts and filing fee, service of process costs, writ of fieri facias fee, and costs taxed to the losing party, respectively, so as to authorize the provision of fees by local law adopted by the General Assembly in matters before the probate and magistrate courts; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 638. By Representatives Ehrhart of the 36th, Cooper of the 43rd, Parsons of the 44th, Wilkerson of the 38th, Morgan of the 39th and others:

A BILL to be entitled an Act to amend an Act creating the Cobb Judicial Circuit, approved February 19, 1951 (Ga. L. 1951, p. 184), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3730), so as to provide for a supplement to be paid to each of the judges of the superior court of such circuit and an additional supplement for the chief judge of such circuit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 639. By Representatives Mitchell of the 88th, Williams of the 87th, Anderson of the 92nd, Jacobs of the 80th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, approved March 21, 1974 (Ga. L. 1974, p. 391), as amended, particularly by an Act approved March 30, 1989 (Ga. L. 1989, p. 4696), an Act approved April 15, 1992 (Ga. L. 1992, p. 6269), an Act approved March 27, 1995 (Ga. L. 1995, p. 3521), an Act approved April 2, 1998 (Ga. L. 1998, p. 4075), an Act approved May 6, 2005 (Ga. L. 2005, p. 3782), and an Act approved May 29, 2007 (Ga. L. 2007, p. 4132), so as to increase the amount of such supplement; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 640. By Representative Dutton of the 157th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Glennville, approved August 21, 1911 (Ga. L. 1911, p. 1228), as amended, particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4756), so as 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 641. By Representatives Parsons of the 44th, Cooper of the 43rd, Wilkerson of the 38th, Bruce of the 61st, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3725), so as to change the compensation of certain employees of such office; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 642. By Representatives Jacobs of the 80th, Holcomb of the 81st and Oliver of the 82nd:

A BILL to be entitled an Act to amend an Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012 (Ga. L. 2012, p. 5527), so as to clarify provisions regarding the terms of office of the mayor; to provide for a finance director; to provide for the duties of such finance director; to provide for a charter commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 755. By Representatives Geisinger of the 48th, Riley of the 50th, Stephens of the 164th, McCall of the 33rd, Morris of the 156th and others:

A RESOLUTION creating the House Study Committee on the Equine Industry; and for other purposes.

Referred to the Committee on Regulated Industries.

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

HB 603	HB 604
HB 605	HB 606
HB 607	

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

Mr. Speaker:

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

HB 568	Do Pass	HB 571	Do Pass
HB 572	Do Pass	HB 577	Do Pass
HB 583	Do Pass	HB 584	Do Pass
HB 585	Do Pass	HB 586	Do Pass
HB 587	Do Pass	HB 588	Do Pass
HB 592	Do Pass	HB 597	Do Pass
HB 600	Do Pass	HB 602	Do Pass

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

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

Mr. Speaker:

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

SB 23 Do Pass
SB 101 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 32nd
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 488 Do Pass
HR 636 Do Pass
HR 722 Do Pass

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

HOUSE RULES CALENDAR
WEDNESDAY, MARCH 20, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 35th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HR 529 House Georgia Music Industry Study Committee; create (ED&T-Harbin-122nd)

SB 120 Probate Courts; provide for prosecuting attorneys in counties where there is not state court (Substitute)(Judy-Fleming-121st) Crosby-13th

SB 212 Education; require schools to provide training in cardiopulmonary resuscitation (Ed-Deffenbaugh-1st) Mullis-53rd

Modified Structured Rule

SB 136 "Kyle Glover Boat Education Law" and "Jake and Griffin BUI Law"; provide for greater public protection for hunting and boating (Substitute)(GF&P-Nimmer-178th) Miller-49th

Structured Rule

None

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

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

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

HB 568. By Representative Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Warwick, approved April 19, 2000 (Ga. L. 2000, p. 4334), so as to change the description of the council districts for the election of members of the city council to be consistent with the United States decennial census of 2010 for the State 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.

HB 571. By Representatives Peake of the 141st, Epps of the 144th, Dickey of the 140th and Randall of the 142nd:

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 572. By Representative Harden of the 148th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Wilcox County, approved March 24, 1939 (Ga. L. 1939, p. 782), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4958), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 577. By Representative Harden of the 148th:

A BILL to be entitled an Act to amend an Act providing for the continued existence of the Wilcox County School District and the Wilcox County Board of Education, approved March 30, 1989 (Ga. L. 1989, p. 4452), as amended, particularly by an Act approved May 13, 2002 (Ga. L. 2002, p. 5789), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 583. By Representatives Knight of the 130th and Yates of the 73rd:

A BILL to be entitled an Act to authorize the Municipal Court of the City of Griffin to charge a technology fee for each civil case and criminal fine imposed; to specify the uses to which such technology fees may be put; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 584. By Representatives Rogers of the 10th, Hawkins of the 27th and Allison of the 8th:

A BILL to be entitled an Act to provide a new charter for the City of Cleveland; to provide for other matters relative to the foregoing; to repeal a specific Act; 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 585. By Representative Jackson of the 128th:

A BILL to be entitled an Act to provide a new charter for the City of Davisboro; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for definitions and construction; to provide for related matters; to repeal a specific Act; 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 586. By Representatives Black of the 174th and Spencer of the 180th:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in the City of Kingsland; to provide for a short title; to provide for the purposes of such districts; to provide for

definitions; to provide for severability; 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 587. By Representative Bentley of the 139th:

A BILL to be entitled an Act to amend an Act to provide for the Board of Education of Dooly County, approved April 6, 1967 (Ga. L. 1967, p. 2922), as amended, so as to provide for compensation of the members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 588. By Representatives Parsons of the 44th, Ehrhart of the 36th, Golick of the 40th, Evans of the 42nd, Morgan of the 39th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 1, 2007 (Ga. L. 2007, p. 4151), so as to change the compensation of the chief deputy sheriff, the assistant chief deputy, and the executive assistant to the sheriff; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 592. By Representative Nimmer of the 178th:

A BILL to be entitled an Act to amend an Act establishing the State Court of Pierce County, approved August 15, 1911 (Ga. L. 1911, p. 210), as amended, so as to change the compensation of the judge and solicitor-general of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 597. By Representative Pruett of the 149th:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum for the purpose of ascertaining whether the General Assembly should enact legislation authorizing the City of Scotland to select its mayor and city councilmembers to serve for four-year terms; to provide for legislative purposes and findings; to provide for procedures and requirements relating thereto; to provide for preclearance; to provide for related matters; to provide for a referendum and effective dates; 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 600. By Representatives Powell of the 171st and Taylor of the 173rd:

A BILL to be entitled an Act to create the City of Bainbridge Public Facilities Authority; to provide for a short title and legislative findings; to provide for severability; to provide an effective date; 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 602. By Representatives Cheokas of the 138th and Rynders of the 152nd:

A BILL to be entitled an Act to create the Americus-Sumter County Land Bank Authority; to provide for its membership, terms of office, powers, duties, and authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

E Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Cooper	Y Harbin	Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Smith, R

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

On the passage of the Bills, the ayes were 144, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

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

Mr. Speaker:

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

SB 249. By Senator Beach of the 21st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Holly Springs, approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by that Act approved April 13, 2001 (Ga. L. 2001, p. 3679), so as to provide for the election of councilmembers from wards; to

provide that such officers shall be elected by plurality vote of the electors of the city at large; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

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

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

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

HB 505. By Representatives Powell of the 32nd and McCall of the 33rd:

A BILL to be entitled an Act to create a board of elections and registration for Madison County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

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

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

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

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

HR 738. By Representative O`Neal of the 146th:

A RESOLUTION relative to adjournment; and for other purposes.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 249. By Senator Beach of the 21st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Holly Springs, approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by that Act approved April 13, 2001 (Ga. L. 2001, p. 3679), so as to provide for the election of councilmembers from wards; to provide that such officers shall be elected by plurality vote of the electors of the city at large; to provide for submission for preclearance under Section 5

of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Williams of the 168th, Taylor of the 79th, Epps of the 144th, Kirby of the 114th, Martin of the 49th, Pruett of the 149th, Douglas of the 78th, Smith of the 70th, Ramsey of the 72nd, Stover of the 71st, Epps of the 132nd, Carson of the 46th, Hill of the 22nd, Morgan of the 39th, Frazier of the 126th, and Murphy of the 127th.

Pursuant to HR 748, the House recognized and commended the Wilkinson High School boys basketball team on their 2013 GHSA Class A State Championship win.

Pursuant to HR 78, the House recognized and commended Charlie L. Smith, Jr., and invited him to be recognized by the House of Representatives.

Pursuant to HR 490, the House congratulated the Gainesville High School Red Elephants football team on their 2012 Class AAAAA State Championship win and invited them and the Gainesville High School football team coaches, cheerleading team, and administration to be recognized by the House of Representatives.

Pursuant to HR 526, the House recognized and commended linemen from Georgia Power and the International Brotherhood of Electrical Workers Local 84, members of the Georgia AFL-CIO, for their diligence in responding to the needs of individuals in the aftermath of Hurricane Sandy.

By order of the Committee on Rules, the following Bill of the Senate was withdrawn from the General Calendar and recommitted to the Committee on Judiciary Non-Civil:

SB 86. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Article 7 of Chapter 5 of Title 16 and Title 17 of the Official Code of Georgia Annotated, relating to stalking and criminal procedure, respectively, so as to provide greater protection to victims of family violence; to define "family violence order"; to change provisions relating to arrests with and without warrants involving family violence orders; to change provisions relating to bail for persons charged with violating family violence orders; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the Senate was withdrawn from the General Calendar and recommitted to the Committee on Judiciary:

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.

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

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to provide for prosecuting attorneys in probate courts in counties where there is no state court; to provide for the appointment, compensation, oath of office, duties, and authority of such prosecuting attorneys; to authorize the appointment of staff; to provide for related matters; to provide for construction with other laws; 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.

Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, is amended by adding a new article to read as follows:

"ARTICLE 8

15-9-150.

(a) In any county in which there is no state court, the judge of the probate court may request the district attorney of the circuit in which the court is located to prosecute criminal cases subject to the jurisdiction of such probate court as set forth in Article 2 of this chapter and Article 2 of Chapter 13 of Title 40. The district attorney may designate one or more members of his or her staff to handle such cases in the probate court. The district attorney and any members of his or her staff who prosecute criminal cases in the probate court may be compensated in an amount to be fixed by the governing authority of the county.

(b) If for any reason the district attorney is unable to assist the probate court, he or she shall notify the probate court in writing, and the governing authority of the county, in its discretion, shall be authorized to create by ordinance or resolution the office of prosecuting attorney of the probate court, and the governing authority shall have the authority to hire the prosecuting attorney, who shall have the authority to prosecute criminal cases subject to the jurisdiction of such probate court as set forth in Article 2 of this chapter and Article 2 of Chapter 13 of Title 40. A copy of the resolution or ordinance creating the office of prosecuting attorney of the probate court shall be provided to the Prosecuting Attorneys' Council of the State of Georgia.

(c) It shall be the duty of the probate court clerk to notify the Prosecuting Attorneys' Council of the State of Georgia of the name of any person appointed to be the prosecuting attorney of a probate court within 30 days of such appointment.

(d) Unless otherwise provided by local law, the prosecuting attorney of the probate court shall serve at the pleasure of the governing authority of such county.

15-9-151.

(a) Any person appointed as the prosecuting attorney of a probate court pursuant to subsection (b) of Code Section 15-9-150 shall be a member in good standing of the State Bar of Georgia and admitted to practice before the appellate courts of this state.

(b) Notwithstanding the provisions of subsection (a) of Code Section 15-18-21, an assistant district attorney may be appointed as the prosecuting attorney of a probate court when:

(1) The district attorney who employs such assistant district attorney consents to such appointment; and

(2) If such assistant district attorney is not employed in the judicial circuit in which the probate court is located, the district attorney for the judicial circuit in which the probate court is located consents to such appointment.

(c) A district attorney may withdraw consent for an assistant district attorney's appointment pursuant to subsection (b) of this Code section at any time, provided that the probate court and the governing authority of the county in which such probate court is located is given notice not less than 30 days prior to the day that such assistant district attorney shall cease to serve as the prosecuting attorney of the probate court.

15-9-152.
(a) In addition to the oaths prescribed by Chapter 3 of Title 45, relating to official oaths, the prosecuting attorney of a probate court shall take and subscribe to the following oath: 'I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney for the Probate Court of (here state the county) County.'
(b) The oath shall be administered and attested by the judge of the probate court of such county as provided in Code Section 45-3-3 and filed as provided in Code Section 45-3-5.

15-9-153.
(a) Unless otherwise provided by local law, the governing authority of the county shall determine whether the prosecuting attorney of a probate court shall be a full-time or part-time prosecuting attorney.
(b) Any full-time prosecuting attorney of a probate court and any full-time employees of the prosecuting attorney of a probate court shall not engage in the private practice of law.
(c) Any part-time prosecuting attorney of a probate court and any part-time assistant prosecuting attorney of a probate court may engage in the private practice of law, but shall not practice in the probate court or appear in any matter in which that prosecuting attorney has exercised jurisdiction. A prosecuting attorney of a probate court and any assistant prosecuting attorney of a probate court shall be subject to all laws and rules governing the conduct of prosecuting attorneys in this state.

15-9-154.
If the prosecuting attorney of a probate court is disqualified by interest or relationship from engaging in the prosecution of a particular case or is unable to perform the duties of said office due to illness or incapacity, the district attorney of such judicial circuit may prosecute such case. If the district attorney is to prosecute such case, the provisions of Code Section 15-18-5 shall apply.

15-9-155.
(a) The prosecuting attorney of a probate court shall have the duty and authority to represent the state:
(1) In the probate court:
(A) In the prosecution of any violation of the laws or ordinances of such county which is within the jurisdiction of such probate court and punishable by

confinement or a fine or both or by a civil penalty authorized by Code Section 40-6-163;

(B) In the prosecution of any violation of state laws which by general law probate courts have been granted jurisdiction to try and dispose of such offenses, specifically including those offenses described in Article 2 of this chapter and Code Section 40-13-21; and

(C) In the prosecution of any weapons carry license revocation or denial pursuant to Code Section 16-11-129;

(2) In the appeal of any case prosecuted in the probate court to the superior court or the appellate courts of this state;

(3) In any case in which the defendant was convicted in the probate court and is challenging such conviction through habeas corpus;

(4) To administer the oaths required by law to the bailiffs or other officers of the court and otherwise to aid the presiding judge in organizing the court as may be necessary; and

(5) To perform such other duties as are or may be required by law or ordinance or which necessarily appertain to such prosecuting attorney's office.

(b) The prosecuting attorney of a probate court shall have the authority to:

(1) File, amend, and prosecute any citation, accusation, summons, or other form of charging instrument authorized by law for use in the probate court;

(2) Dismiss, amend, or enter a nolle prosequi on any accusation, citation, or summons filed in the probate court as provided by law, except that the prosecuting attorney of a probate court shall not have the authority to dismiss or enter a nolle prosequi in any case in which the accused is charged with a violation of state law other than one which the probate court has jurisdiction to try and dispose of such offense without the consent of the proper prosecuting officer having jurisdiction to try and dispose of such offense. As used in this paragraph, the term 'proper prosecuting officer' means the district attorney for the judicial circuit;

(3) Reduce to judgment any fine, forfeiture, or restitution imposed by the probate court as part of a sentence in an ordinance case or forfeiture of a recognizance which is not paid in accordance with the order of the court. A prosecuting attorney of a probate court may institute such civil action in the courts of this state or of the United States or any of the several states to enforce such judgment against the property of the defendant; and

(4) Request and utilize the assistance of any other prosecuting attorney or other attorney employed by an agency of this state or its political subdivisions or authorities in the prosecution of any criminal action.

(c) The provisions of this Code section shall not be deemed to restrict, limit, or diminish any authority or power of the district attorney or any solicitor-general to represent this state in any criminal case in which the accused is charged with a felony or misdemeanor, when the probate court is acting as a court of inquiry pursuant to Article 2 of Chapter 7 of Title 17 or setting bail for any such offense, other than one which the probate court has, by law, jurisdiction to try and dispose of.

15-9-156.
The prosecuting attorney of a probate court shall be compensated by the county as provided by local law or, in the absence of such local law, as provided by the governing authority of such county. The prosecuting attorney of a probate court shall be entitled to be reimbursed for actual expenses incurred in the performance of his or her official duties in the same manner and rate as other county employees.

15-9-157.
The prosecuting attorney of a probate court may employ such additional assistant prosecuting attorneys and other employees or independent contractors as may be provided for by local law or as may be authorized by the governing authority of the county. The prosecuting attorney of a probate court shall define the duties and fix the title of any attorney or other employee of the prosecuting attorney's office. Personnel employed pursuant to this Code section shall be compensated by the county.

15-9-158.
(a) Any assistant prosecuting attorney or other attorney at law employed by the county for the purposes of prosecuting in the probate court shall be a member in good standing of the State Bar of Georgia.
(b) A qualified law student or law school graduate who is allowed to practice pursuant to Code Section 15-18-22 or the Supreme Court of Georgia's rules governing such practice may assist in the prosecution of cases in the probate court."

SECTION 2.

The provisions of this Act shall not be construed as altering any agreement in existence on the effective date of this Act between a county governing authority or a probate court of a county with the district attorney for the judicial circuit in which such probate court for the district attorney to prosecute case in the probate court of such county nor shall this Act apply in any county in which the General Assembly has by local act provided for a prosecutor in the probate court.

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:

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

On the passage of the Bill, by substitute, the ayes were 152, nays 1.

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

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.

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:

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

On the passage of the Bill, the ayes were 140, nays 21.

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

House of Representatives
State Capitol, Room 220
Atlanta, Georgia 30334

March 20, 2013

The Honorable Robbie Rivers
House Clerk's Office
307 State Capitol
Atlanta, GA 30334

To Whom It May Concern:

I, Rep. Tom Rice, HD 95 would like to change my vote from a "No" to "Yes" for Senate Bill 212 on this day, March 20, 2013.

If you have any questions, please contact the office.

Sincerely,

/s/ Tom Rice

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

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

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:

E Abrams	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
N 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	Stephens, M
E 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
E Bentley	E Dudgeon	Y Holmes	Y O'Neal	N Stover

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

On the adoption of the Resolution, the ayes were 157, nays 5.

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

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 27 and Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to game and fish and to registration, operation, and sale of watercraft, respectively, so as to provide greater public protection for hunting and boating; to harmonize provisions relating to hunting, boating, and driving under the influence of

alcohol, toxic vapors, or drugs; to provide for short titles; to change provisions relating to rules and regulations used to establish criminal violations for hunting; to change provisions relating to hunting under the influence; to change provisions relating to required equipment for children on vessels and lighting; to change provisions relating to operating vessels and personal watercraft; to change provisions relating to operation of watercraft and operating watercraft while under the influence of alcohol, toxic vapors, or drugs; to change provisions relating to ordering drug or alcohol testing; to change provisions relating to suspension of an operator's privilege to operate a vessel in this state; to change provisions relating to boating education courses in this state; to change provisions relating to rules and regulations used to establish criminal violations for registration, operation, and sale of watercraft and displaying watercraft information; 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.

Sections 5, 6, and 11 of this Act shall be known and may be cited as the "Kile Glover Boat Education Law," and Sections 8, 9, and 10 of this Act shall be known and may be cited as the "Jake and Griffin Prince BUI Law."

SECTION 2.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by revising Code Section 27-1-39, relating to rules and regulations used to establish criminal violations, as follows:

"27-1-39.

Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this title, the term 'rules and regulations' ~~shall mean~~ means those rules and regulations of the Board of Natural Resources in force and effect on ~~January 1, 2012~~ February 5, 2013."

SECTION 3.

Said title is further amended in Code Section 27-3-7, relating to hunting under the influence of alcohol or drugs, by revising paragraph (4) of subsection (b), subsection (f), and paragraph (2) of subsection (g) and by adding three new subsections to read as follows:

"(4) The person's alcohol concentration is ~~0.10~~ 0.08 grams or more at any time within three hours after such hunting from alcohol consumed before such hunting ended; or"

"(f) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person hunting in violation of subsection (b) of this Code section, the amount of alcohol in the person's blood at the time alleged, as

shown by chemical analysis of the person's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(1) If there was at that time a blood alcohol concentration of 0.05 grams or less, it shall be presumed that the person was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section;

(2) If there was at that time a blood alcohol concentration in excess of 0.05 grams but less than 0.08 grams, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section; and

~~(3) If there was at that time a blood alcohol concentration of 0.08 grams or more, it shall be presumed that the person was under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (b) of this Code section; and~~

~~(4)~~(3) If there was at that time or within three hours after hunting, from alcohol consumed before such hunting ended, a blood alcohol concentration of ~~0.10~~ 0.08 or more grams, the person shall be in violation of paragraph (4) of subsection (b) of this Code section."

"(2) At the time a chemical test or tests are requested, the arresting officer shall read to the person the following implied consent warning:

'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing ~~and you are convicted of hunting while under the influence of alcohol or drugs~~, your privilege to hunt in this state will be suspended for a period of two years. Your refusal to submit to the required testing may be offered into evidence against you at trial. If you ~~consent to the test, the results may be offered into evidence against you~~ submit to testing and the results indicate an alcohol concentration of 0.08 grams or more or the presence of any illegal drug, your privilege to hunt in this state may be suspended for a minimum period of one year. After first submitting to the required state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which tests) under the implied consent law?'"

"(j) Nothing in this Code section shall be deemed to preclude the acquisition or admission of evidence of a violation of this Code section if the evidence was obtained by voluntary consent or a search warrant as authorized by the Constitution or the laws of this state or the United States.

(k) Upon the request of a law enforcement officer, if a person consents to submit to a chemical test designated by such officer as provided in subsection (g) of this Code section, and the results of such test indicate an alcohol concentration of 0.08 grams or more, upon a conviction of a violation of paragraph (4) of subsection (b) of this Code

section, in addition to any other punishment imposed, such person's privileges to hunt in this state shall be suspended by operation of law for a period of one year. Even if such person did not possess a valid hunting license at the time of the violation, such person's hunting privileges shall be suspended for one year.

(l) Following the period of suspension set forth in subsection (i) or (k) of this Code section, such person may apply to the department for reinstatement of his or her hunting privileges. Any suspension pursuant to this Code section shall remain in effect until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver Services and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00."

SECTION 4.

Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to registration, operation, and sale of watercraft, is amended by revising paragraph (3) of subsection (d) of Code Section 52-7-8, relating to classification of vessels and required equipment, as follows:

"(3) No person shall operate a moving vessel upon the waters of this state with a child under the age of ~~ten~~ 13 years on board such vessel unless ~~the~~ such child is wearing an appropriately sized personal flotation device, as required by this subsection to be on board the vessel. This requirement shall not apply when the child is within a fully enclosed roofed cabin or other fully enclosed roofed compartment or structure on the vessel."

SECTION 5.

Said chapter is further amended by revising subsections (a), (c), (l), and (m) of Code Section 52-7-8.2, relating to restrictions on operation of personal watercraft, as follows:

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

(1) 'Accompanied by' means in the physical presence within the vessel of a person who is not under the influence of alcohol, toxic vapors, or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel.

~~(2) 'Class A vessel' means a boat less than 16 feet in length.~~

~~(3)~~(2) 'Personal watercraft' means a Class A vessel which:

(A) Has an outboard motor or which has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;

(B) Is designed with the concept that the operator and passenger ride on the outside surfaces of ~~the~~ such vessel as opposed to riding inside ~~the~~ such vessel; and

(C) Has the probability that the operator and passenger may, in the normal course of use, fall overboard.

Such term includes, without limitation, any vessel where the operator and passenger ride on the outside surfaces of the vessel, even if the primary source of motive propulsion is a propeller, and any ~~vessels~~ vessel commonly known as a 'jet ski.'

~~(4) 'Under the direct supervision' means within sight of and within 400 yards of a person who is not under the influence of alcohol or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel and who is aware of his or her supervisory responsibility.~~"

"(c) ~~No person shall rent, lease, or let for hire a personal watercraft to any person under the age of 16 years~~ Reserved."

"(l) ~~On and after June 1, 1995, no~~ No person under the age of 16 years shall operate a personal watercraft on the waters of this state; provided, however, that a person ~~age~~ 12 through 15 years of age may operate a personal watercraft if he or she is accompanied by an adult ~~age~~ 18 years of age or ~~over~~ older or he or she has successfully completed a ~~personal watercraft safety program~~ boating education course approved by the department ~~or is under direct supervision by an adult age 18 or over~~. The department may~~, but shall not be required to,~~ conduct or provide ~~personal watercraft safety~~ boating education courses to the public.

(m) ~~On and after July 1, 1995, it~~ It shall be unlawful for any person to cause or knowingly permit such person's child or ward who is less than 12 years of age or the child or ward of another over whom such person has a permanent or temporary responsibility of supervision if such child or ward is less than 12 years of age to operate a personal watercraft."

SECTION 6.

Said chapter is further amended by revising Code Section 52-7-8.3, relating to operation of watercraft, as follows:

"52-7-8.3.

(a) A person ~~age~~ 16 years of age or ~~over~~ older may operate any vessel or personal watercraft on any of the waters of this state if such person has met the applicable requirements of Code Section 52-7-22, and such person ~~shall have~~ has in such vessel proper identification.

(b) A person ~~age 14 or~~ 12 through 15 years of age may operate~~:~~

~~(1) A~~ a personal watercraft or ~~nonmotorized~~ Class A vessel on any of the waters of this state in compliance with the provisions of this article~~; and~~ if such person:

~~(2) Any other vessel if such person:~~

~~(A)~~(1) Is accompanied by an adult ~~age 18 or over~~ 18 years of age or older who is authorized to operate such vessel under the provisions of subsection (a) of this Code section; or

~~(B)~~(2) Has completed a ~~safe~~ boating education course approved by the department~~; or~~

~~(C) Is under direct supervision by an adult age 18 or over~~.

(c) ~~A person age 12 or 13 may operate any Class A vessel utilizing mechanical means of propulsion not exceeding 30 horsepower, under the conditions set forth in subparagraphs (b)(2)(A) through (b)(2)(C) of this Code section. Such person may~~

~~operate a personal watercraft in compliance with Code Section 52-7-8.2, and such person may operate nonmotorized Class A vessels without restriction~~ No person between 12 through 15 years of age may operate a Class 1, Class 2, or Class 3 vessel.

(d) No person under the age of 12 years shall operate any Class 1, 2, or 3 vessel or any personal watercraft on any of the waters of this state, and no such person shall operate any Class A vessel utilizing mechanical means of propulsion exceeding 30 horsepower. Such person may operate a Class A vessel, other than a personal watercraft, utilizing mechanical means of propulsion not exceeding 30 horsepower only where such person is accompanied by an adult ~~age~~ 18 years of age or ~~over~~ older who is authorized to operate such vessel under the provisions of subsection (a) of this Code section.

(e) No person having ownership or control of a vessel shall permit another person to operate such vessel in violation of this Code section.

(f) No person shall rent, lease, or let for hire any vessel ten horsepower or more to any person under 16 years of age. On and after July 1, 2014, a person 16 years of age or older may rent or lease any vessel ten horsepower or more if such person has completed a boating education course approved by the department. This subsection shall not apply to any person licensed by the United States Coast Guard as a master of a vessel or a nonresident who has in his or her possession proof that he or she has completed a National Association of State Boating Law Administrators approved boater education course or equivalency examination from another state.

~~(e)~~(g) As used in this Code section, the term:

(1) 'Accompanied by' means in the physical presence within the vessel of a person who is not under the influence of alcohol, toxic vapors, or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel.

(2) 'Personal watercraft' shall have the same meaning as set forth in Code Section 52-7-8.2.

(3) 'Proper identification' shall have the same meaning as in subsection (d) of Code Section 3-3-23, relating to furnishing of alcoholic beverages.

~~(3) 'Under the direct supervision' means within sight of and within 400 yards of a person who is not under the influence of alcohol or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel and who is aware of his or her supervisory responsibility.~~

~~(f) No person having ownership or control of a vessel shall permit another person to operate such vessel in violation of this Code section.~~"

SECTION 7.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 52-7-11, relating to lights, as follows:

"(2) All motorized Class A and Class 1 vessels being operated during hours of darkness or low visibility shall display a 32 point white stern light visible for a distance of two miles, plus a 20 point combination red and green light on the bow~~,~~ or

ten-point combination red and green side lights properly screened and visible for a distance of one mile and displayed lower than the white stern light."

SECTION 8.

Said chapter is further amended by revising Code Section 52-7-12, relating to operation of watercraft while under the influence of alcohol or drugs, as follows:

"52-7-12.

(a) No person shall operate, navigate, steer, or drive any moving vessel, or be in actual physical control of any moving vessel, nor shall any person manipulate any moving water skis, moving aquaplane, moving surfboard, or similar moving device while:

(1) Under the influence of alcohol to the extent that it is less safe for the person to operate, navigate, steer, drive, manipulate, or be in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device;

(2) Under the influence of any drug to the extent that it is less safe for the person to operate, navigate, steer, drive, manipulate, or be in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device;

(3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to operate, navigate, steer, drive, manipulate, or be in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device;

~~(3)~~(4) Under the combined influence of ~~alcohol and any drug~~ any two or more of the substances specified in paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person to operate, navigate, steer, drive, manipulate, or be in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device;

~~(4)~~(5) The person's alcohol concentration is ~~0.10~~ 0.08 grams or more at any time within three hours after such operating, navigating, steering, driving, manipulating, or being in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device from alcohol consumed before such operating, navigating, steering, driving, manipulating, or being in actual physical control ended; or

~~(5)~~(6) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.

(b) The fact that any person charged with violating this Code section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Code section; provided, however, that such person shall not be in violation of this Code section unless such person is rendered incapable of operating, navigating, steering, driving, manipulating, or being in actual physical control of a

moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device safely as a result of using a drug other than alcohol which such person is legally entitled to use.

(c) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating, navigating, steering, driving, manipulating, or being in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device while under the influence of alcohol or drugs, evidence of the amount of alcohol or drug in a person's blood, urine, breath, or other bodily substance at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath, or other bodily ~~substances~~ substance, shall be admissible. Where such chemical test is made, the following provisions shall apply:

(1) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under this Code section, shall have been performed according to methods approved by the Division of Forensic Sciences of the Georgia Bureau of Investigation and by an individual possessing a valid permit issued by the Division of Forensic Sciences for this purpose. The Division of Forensic Sciences of the Georgia Bureau of Investigation is authorized to approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits, which shall be subject to termination or revocation at the discretion of the Division of Forensic Sciences;

(2) When a person ~~shall undergo~~ undergoes a chemical test at the request of a law enforcement officer under subsection (e) of this Code section, only a physician, registered nurse, laboratory technician, emergency medical technician, or other qualified person may withdraw blood for the purpose of determining the alcoholic or drug content therein, provided that this limitation shall not apply to the taking of breath or urine specimens. No physician, registered nurse, laboratory technician, emergency medical technician, or other qualified person or employer thereof shall incur any civil or criminal liability as a result of the medically proper obtaining of such blood specimens when requested in writing by a law enforcement officer;

(3) The person tested may have a physician or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The justifiable failure or inability to obtain an additional test shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer; and

(4) Upon the request of the person who ~~shall submit~~ submits to a chemical test or tests at the request of a law enforcement officer, full information concerning ~~the~~ such test or tests shall be made available to such person or such person's attorney. The arresting officer at the time of arrest shall advise the person arrested of his or her rights to a chemical test or tests according to this Code section.

(d) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating, navigating, steering,

driving, manipulating, or being in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(1) If there was at that time an alcohol concentration of 0.05 grams or less, it shall be presumed that the person was not under the influence of alcohol, as prohibited by paragraphs (1), ~~(2), and (3)~~ (4), and (5) of subsection (a) of this Code section;

(2) If there was at that time an alcohol concentration in excess of 0.05 grams but less than 0.08 grams, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, as prohibited by paragraphs (1), ~~(2), and (3)~~ (4), and (5) of subsection (a) of this Code section, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol, as prohibited by paragraphs (1), ~~(2), and (3)~~ (4), and (5) of subsection (a) of this Code section; and

~~(3) If there was at that time an alcohol concentration of 0.08 grams or more, it shall be presumed that the person was under the influence of alcohol, as prohibited by paragraphs (1), (2), and (3) of subsection (a) of this Code section; and~~

~~(4)~~(3) If there was at that time or within three hours after operating, navigating, steering, driving, manipulating, or being in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device from alcohol consumed before such operating, navigating, steering, driving, manipulating, or being in actual physical control ended an alcohol concentration of ~~0.10~~ 0.08 or more grams, the person shall be in violation of paragraph ~~(4)~~ (5) of subsection (a) of this Code section.

(e) The State of Georgia considers that persons who are under the influence of alcohol, toxic vapors, or drugs while operating a vessel on the waters of this state constitute a direct and immediate threat to the welfare and safety of the general public. Therefore, any person who operates a vessel upon the waters of this state shall be deemed to have given consent, subject to ~~subsections (c) and (d)~~ subsection (c) of this Code section, to a chemical test or tests of his or her blood, breath, or urine or other bodily ~~substances~~ substance for the purpose of determining the alcoholic or drug content of his or her blood if arrested for any offense arising out of acts alleged to have been committed while the person was operating, navigating, steering, driving, manipulating, or in actual physical control of a moving vessel, moving water skis, moving aquaplane, moving surfboard, or similar moving device while under the influence of alcohol, toxic vapors, or any drug. The test or tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe that the person has been operating or was in actual physical control of a vessel upon the waters of this state while under the influence of alcohol, toxic vapors, or any drug. Subject to ~~subsections (c) and (d)~~ subsection (c) of this Code section, the requesting law enforcement officer shall designate which of the aforesaid tests shall be administered.

(f) Any person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (e) of this Code section, and the test or tests may be administered subject to ~~subsections (c) and (d)~~ subsection (c) of this Code section.

(g) If a person refuses, upon the request of a law enforcement officer, to submit to a chemical test designated by the law enforcement officer as provided in subsection (e) of this Code section, no test shall be given; however, such refusal shall be admissible in evidence.

(h) In the event of a boating accident involving a fatality, the investigating coroner or medical examiner having jurisdiction shall direct that a chemical blood test to determine blood alcohol concentration (BAC) or the presence of drugs be performed on the dead person or persons and that the results of such test be properly recorded in his or her report.

(i) It shall be unlawful for the owner of any vessel knowingly to allow or authorize any person to operate such vessel or to manipulate any water skis, aquaplane, surfboard, or similar device being towed by such vessel when the owner knows or has reasonable grounds to believe that said person is intoxicated or under the influence of alcohol, toxic vapors, or drugs in violation of this Code section.

(j) In any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person in violation of subsection (k) of this Code section, if there was at that time or within three hours after operating, navigating, steering, driving, or being in actual physical control of a moving vessel or personal watercraft from alcohol consumed before such operating, navigating, steering, driving, or being in actual physical control ended an alcohol concentration of 0.02 grams or more in the person's blood, breath, or urine, the person shall be in violation of subsection (k) of this Code section.

(k)(1) A person under the age of 21 years shall not operate, navigate, steer, drive, or be in actual physical control of any moving vessel, moving water skis, moving aquaplane, moving surfboard or similar moving device, or personal watercraft while ~~the~~ such person's alcohol concentration is 0.02 grams or more at any time within three hours after such operating, navigating, steering, driving, or being in actual physical control from alcohol consumed before such operating, navigating, steering, driving, or being in actual physical control ended.

(2) No plea of nolo contendere shall be accepted for any person under the age of 21 years charged with a violation of this Code section.

(l) A person who violates this Code section while transporting in a moving vessel or personal watercraft or towing on water skis, an aquaplane, a surfboard, or similar device a child under the age of 14 years ~~is~~ shall be guilty of the separate offense of endangering a child by operating a moving vessel or personal watercraft under the influence of alcohol, toxic vapors, or drugs. The offense of endangering a child by operating a moving vessel or personal watercraft under the influence of alcohol, toxic vapors, or drugs shall not be merged with the offense of operating a vessel under the influence of alcohol, toxic vapors, or drugs for the purposes of prosecution and

sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child.

(m) Every person convicted of violating this Code section shall, upon a first or second conviction thereof, be guilty of a misdemeanor; upon a third conviction thereof, be guilty of a high and aggravated misdemeanor; and upon a fourth or subsequent conviction thereof, be guilty of a felony except as otherwise provided in paragraph (4) of this subsection and shall be punished as follows:

(1) For the first conviction with no conviction of and no plea of nolo contendere accepted to a charge of violating this Code section within the previous ten years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than $300.00 and not more than $1,000.00, which fine shall not, except as provided in subsection (n) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not fewer than ten days nor more than 12 months, which period of imprisonment may, at the sole discretion of the judge, be suspended, stayed, or probated, except that if the offender's alcohol concentration at the time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all but 24 hours of any term of imprisonment imposed under this subparagraph;

(C) Not fewer than 40 hours of community service, except that for a conviction for violation of subsection (k) of this Code section where the person's alcohol concentration at the time of the offense was less than 0.08 grams, the period of community service shall be not fewer than 20 hours;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined in Code Section 40-5-1. The sponsor of any such program shall provide written notice of the Department of Drivers Service's approval of the program to the person upon enrollment in the program;

(E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as a part of such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; provided, however, that in the court's discretion, such evaluation may be waived; and

(F) If the person is sentenced to a period of imprisonment for fewer than 12 months, a period of probation of 12 months less any days during which the person is actually incarcerated;

(2) For the second conviction within a ten-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than $600.00 and not more than $1,000.00, which fine shall not, except as provided in subsection (n) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not fewer than 90 days and not more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not fewer than 72 hours of actual incarceration;

(C) Not fewer than 30 days of community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined in Code Section 40-5-1. The sponsor of any such program shall provide written notice of the Department of Drivers Service's approval of the program to the person upon enrollment in the program;

(E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as a part of such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of 12 months less any days during which the person is actually incarcerated;

(3) For the third conviction within a ten-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than $1,000.00 and not more than $5,000.00, which fine shall not, except as provided in subsection (n) of this Code section, be subject to suspension, stay, or probation;

(B) A mandatory period of imprisonment of not fewer than 120 days and not more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not fewer than 15 days of actual incarceration;

(C) Not fewer than 30 days of community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined in Code Section 40-5-1. The sponsor of any such program shall provide written notice of the Department of Drivers Service's approval of the program to the person upon enrollment in the program;

(E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as a part of such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of 12 months less any days during which the person is actually incarcerated;

(4) For the fourth or subsequent conviction within a ten-year period of time, as measured from the dates of previous arrests for which convictions were obtained or

pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than $1,000.00 and not more than $5,000.00, which fine shall not, except as provided in subsection (n) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not less than one year and not more than five years; provided, however, that the judge may suspend, stay, or probate all but 90 days of any term of imprisonment imposed under this paragraph. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, and to such other terms and conditions as the judge may impose;

(C) Not fewer than 60 days of community service; provided, however, that if a defendant is sentenced to serve three years of actual imprisonment, the judge may suspend the community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined in Code Section 40-5-1. The sponsor of any such program shall provide written notice of the Department of Driver Service's approval of the program to the person upon enrollment in the program;

(E) A clinical evaluation as defined in Code Section 40-5-1 and, if recommended as a part of such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of five years less any days during which the person is actually imprisoned;

provided, however, that if the ten-year period of time as measured in this paragraph commenced prior to May 15, 2013, then such fourth or subsequent conviction shall be a misdemeanor of a high and aggravated nature and punished as provided in paragraph (3) of this subsection;

(5) For the purpose of imposing a sentence under this subsection, a plea of nolo contendere based on a violation of this Code section shall constitute a conviction; and

(6) For purposes of determining the number of prior convictions or pleas of nolo contendere pursuant to the felony provisions of paragraph (4) of this subsection, only those offenses for which a conviction is obtained or a plea of nolo contendere is accepted on or after May 15, 2013, shall be considered; provided, however, that nothing in this subsection shall be construed as limiting or modifying in any way sentence enhancement provisions under Georgia law, including, but not limited to, provisions relating to punishment of recidivist offenders pursuant to Title 17.

(n)(1) If the payment of the fine required under subsection (m) of this Code section will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay such fine in installments, and such order may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this Code section.

(2) In the sole discretion of the judge, he or she may suspend up to one-half of the fine imposed under subsection (m) of this Code section conditioned upon the

defendant's undergoing treatment in a substance abuse treatment program as defined in Code Section 40-5-1.

(o) As used in this Code section, the term 'personal watercraft' shall have the same meaning as set forth in Code Section 52-7-8.2."

SECTION 9.

Said chapter is further amended by revising Code Section 52-7-12.5, relating to ordering drug or alcohol tests, as follows:

"52-7-12.5.

(a) The test or tests required under Code Section 52-7-12 shall be administered as soon as possible at the request of a law enforcement officer having reasonable grounds to believe that the person has been operating or was in actual physical control of a moving vessel upon the waters of this state in violation of Code Section 52-7-12 and the officer has arrested such person for a violation of Code Section 52-7-12, any federal law in conformity with Code Section 52-7-12, or any local ordinance which is identical to Code Section 52-7-12 in accordance with Code Section 52-7-21 or the person has been involved in a boating accident resulting in serious injuries or fatalities. Subject to Code Section 52-7-12, the requesting law enforcement officer shall designate which test shall be administered~~, provided that the officer shall require a breath test or a blood test and may require a urine test~~ initially and may subsequently require a test or tests for any substance not initially tested.

(b) At the time a chemical test or tests are requested, the arresting officer shall select and read to the person the appropriate implied consent warning from the following:

(1) Implied consent notice for suspects under ~~age~~ 21 years of age:

'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your privilege to operate a vessel on the waters of this state will be suspended for a minimum period of one year. Your refusal to submit to the required testing may be offered into evidence against you at trial. If you submit to testing~~,~~ and the results ~~of that test or tests may be used against you. If the results of such test or tests~~ indicate an alcohol concentration of 0.02 grams or more or the presence of any illegal drug, your privilege to operate a vessel on the waters of this state may be suspended for a minimum period of one year. After first submitting to the required state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which tests) under the implied consent law?'; or

(2) Implied consent notice for suspects ~~age~~ 21 years of age or ~~over~~ older:

'Georgia law requires you to submit to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your privilege to operate a vessel on the waters of this state will be suspended for a minimum

period of one year. Your refusal to submit to the required testing may be offered into evidence against you at trial. If you submit to testing~~,~~ and the results ~~of that test or tests may be used against you. If the results of such test or tests~~ indicate an alcohol concentration of ~~0.10~~ 0.08 grams or more or the presence of any illegal drug, your privilege to operate a vessel on the waters of this state may be suspended for a minimum period of one year. After first submitting to the required state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which tests) under the implied consent law?'

If any such notice is used by a law enforcement officer to advise a person of his or her rights regarding the administration of chemical testing, such person shall be deemed to have been properly advised of his or her rights under this Code section and under Code Section 52-7-12.6, and the results of any chemical test, or the refusal to submit to a test, shall be admitted into evidence against such person. ~~This notice shall be deemed sufficient if such notice read by an arresting officer is substantially complied with~~ Such notice shall be read in its entirety but need not be read exactly so long as the substance of the notice remains unchanged.

(c) ~~Subsection (b) of this Code section shall apply to any case wherein the request for chemical testing is made regarding an offense committed on or after June 1, 1998. Subsection (b) of this Code section shall not apply to any case wherein the request for chemical testing was made regarding an offense committed prior to June 1, 1998, in which case those provisions of former Code Section 52-7-12 governing the admissibility of evidence of results of chemical testing or refusal to submit to chemical testing which were in effect at the time the offense was committed shall apply~~ Nothing in this Code section shall be deemed to preclude the acquisition or admission of evidence of a violation of Code Section 52-7-12 if such evidence was obtained by voluntary consent or a search warrant as authorized by the Constitution or laws of this state or the United States.

(d) If a person under arrest or a person who was involved in any boating accident resulting in serious injuries or fatalities submits to a chemical test upon the request of a law enforcement officer and the test results indicate that a suspension of the privilege of operating a vessel on the waters of this state is required under this Code section, the results shall be reported to the department. Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a moving vessel upon the waters of this state in violation of Code Section 52-7-12 or that such person had been operating or was in actual physical control of a moving vessel upon the waters of this state and was involved in a boating accident involving serious injuries or fatalities and that the person submitted to a chemical test at the request of the law enforcement officer and the test results indicate either an alcohol concentration of ~~0.10~~ 0.08 grams or more or, for a person under the age of 21 years, an alcohol concentration of 0.02 grams or more, and the vessel being operated was a motorized vessel having ten or more

horsepower or was a sailboat more than 12 feet in length, the department shall suspend the person's privilege to operate a vessel upon the waters of this state pursuant to Code Section 52-7-12.6, subject to review as provided for in this Code section.

(e) If a person under arrest or a person who was involved in any boating accident resulting in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to submit to a chemical test designated by the law enforcement officer as provided in subsection (a) of this Code section, no test shall be given; but the law enforcement officer shall report the refusal to the department. Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a moving vessel upon the waters of this state in violation of Code Section 52-7-12 or that such person had been operating or was in actual physical control of a moving vessel upon the waters of this state and was involved in a boating accident which resulted in serious injuries or fatalities and that the person had refused to submit to the test upon the request of the law enforcement officer, and the vessel being operated was a motorized vessel having ten or more horsepower or was a sailboat more than 12 feet in length, the department shall suspend the person's privilege of operating a vessel on the waters of this state for a period of one year.

(f)(1) The law enforcement officer, acting on behalf of the department, shall personally serve the notice of intention to suspend or disqualify the privilege of operating a vessel on the waters of this state of the arrested person or other person refusing such test on such person at the time of the person's refusal to submit to a test or at the time at which such a test indicates that suspension or disqualification is required under this Code section. The officer shall forward to the department the notice of intent to suspend and the ~~sworn~~ report required by subsection (d) or (e) of this Code section within ten calendar days after the date of the arrest of such person. The failure of the officer to transmit the sworn report required by this Code section within ten calendar days shall not prevent the department from accepting such report and utilizing it in the suspension of an operator's privilege as provided in this Code section.

(2) If notice has not been given by the arresting officer, the department, upon receipt of the ~~sworn~~ report of such officer, shall suspend the person's privilege to operate a vessel and, by regular mail, at the last known address, notify such person of such suspension. The notice shall inform the person of the grounds of suspension, the effective date of the suspension, and the right to review. The notice shall be deemed received three days after mailing.

(g)(1) A person whose operator's privilege is suspended pursuant to this Code section shall request, in writing, a hearing within ten business days from the date of personal notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as is provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded. <u>For purposes of such hearing, a copy of the report required</u>

by subsection (d) or (e) of this Code section shall be made a part of the hearing record and shall create a rebuttable presumption that the vessel being operated was a motorized vessel having ten or more horsepower or was a sailboat more than 12 feet in length.

(2) The scope of the hearing shall be limited to the following issues:

(A)(i) Whether the law enforcement officer had reasonable grounds to believe the person was operating or in actual physical control of a moving vessel while under the influence of alcohol or a controlled substance and was lawfully placed under arrest for violating Code Section 52-7-12.

(ii) Whether the person was involved in a vessel accident or collision resulting in serious injury or fatality;

(B) Whether at the time of the request for the test or tests the officer informed the person of the person's implied consent rights and the consequence of submitting or refusing to submit to such test and:

(i) Whether the person refused the test; or

(ii) Whether a test or tests were administered and the results indicated an alcohol concentration of ~~0.10~~ 0.08 grams or more or, for a person under the age of 21 years, an alcohol concentration of 0.02 grams or more; and

(C) Whether the test or tests were properly administered by an individual possessing a valid permit issued by the Division of Forensic Sciences of the Georgia Bureau of Investigation on an instrument approved by the Division of Forensic Sciences or a test conducted by the Division of Forensic Sciences, including whether the machine at the time of the test was operated with all its electronic and operating components prescribed by its manufacturer properly attached and in good working order, which shall be required. A copy of the operator's permit showing that the operator has been trained on the particular type of instrument used and one of the original copies of the test results or, where the test is performed by the Division of Forensic Sciences, a copy of the crime lab report shall satisfy the requirements of this subparagraph.

(3) The hearing officer shall, within five calendar days after such hearing, forward a decision to the department to rescind or sustain the suspension of the person's privilege to operate a vessel on the waters of this state. If no hearing is requested within the ten business days specified in paragraph (1) of this subsection, and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the person, the right to a hearing shall have been waived. The request for a hearing shall not stay the suspension of the person's privilege to operate a vessel on the waters of this state; provided, however, that if the hearing is timely requested and is not held within 60 days and the delay is not due in whole or in part to the reasonably avoidable fault of the person, the suspension shall be stayed until such time as the hearing is held and the hearing officer's decision is made.

(4) In the event the person is acquitted of a violation of Code Section 52-7-12 or such charge is initially disposed of other than by a conviction or plea of nolo contendere, then the suspension shall be terminated. An accepted plea of nolo contendere shall be

entered on the operator's record and shall be considered and counted as a conviction for purposes of any future violations of Code Section 52-7-12.

(h) If the suspension is sustained after such a hearing, the person whose privilege to operate a vessel on the waters of this state has been suspended under this Code section shall have a right to file for a judicial review of the department's final decision, as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; while such appeal is pending, the order of the department shall not be stayed.

(i) Each time an approved breath-testing instrument is inspected, the inspector shall prepare a certificate which shall be signed under oath by the inspector and which shall include the following language:

'This breath-testing instrument (serial no. _____) was thoroughly inspected, tested, and standardized by the undersigned on (date _____) and all of its electronic and operating components prescribed by its manufacturer are properly attached and are in good working order.'

When properly prepared and executed, as prescribed in this subsection, the certificate shall, notwithstanding any other provision of law, be self-authenticating, shall be admissible in any court of law, and shall satisfy the pertinent requirements of paragraph (1) of subsection (c) of Code Section 52-7-12 and subparagraph (g)(2)(C) of this Code section."

SECTION 10.

Said chapter is further amended by revising Code Section 52-7-12.6, relating to terms of suspension, as follows:

"52-7-12.6.

(a) Any operator's privilege to operate a vessel on the waters of this state required to be suspended under subsection (d) of Code Section 52-7-12.5 shall be suspended subject to the following terms and conditions:

(1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than ~~30~~ 120 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00. An operator's privilege suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00;

(2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for three years. Not sooner than ~~120 days~~ 18 months following the effective date of suspension, the person may apply to the department for reinstatement of the person's operator's privilege. Such privilege shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00. An operator's privilege suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00; ~~and~~

(3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section 52-7-12.5 within five years, as measured from the dates of previous arrests for which suspensions were obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for not less than five years and until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Driver Services and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00; and

(4) Any person convicted of violating Code Section 52-7-12.2, 52-7-12.3, or 52-7-12.4 shall have his or her privilege to operate a vessel on the waters of this state suspended for three years. Such privilege shall be reinstated after the expiration of the three-year period if such person submits proof of completion of a boating education course approved by the department and pays a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00.

(b) In all cases in which the department may return the privilege to operate a vessel on the waters of this state to an operator prior to the termination of the full period of suspension, the department may require such tests of operating skill and knowledge as it determines to be proper, and the department's discretion shall be guided by the operator's past operating record and performance and the operator's payment of a restoration fee of $200.00, unless such conviction was a recidivist conviction, in which case the restoration fee shall be $500.00.

(c) Any person who operates a vessel or personal watercraft on any of the waters of this state at a time when such person's privilege to do so has been suspended shall be guilty of a misdemeanor and shall be punished by a fine of not less than $500.00 nor more than $1,000.00; provided, however, that for a second and each subsequent conviction within a five-year period measured from the date of the previous arrest upon which a conviction was obtained to the date of the current arrest, such person shall be

guilty of a misdemeanor of a high and aggravated nature and shall be punished by a fine of not less than $1,000.00 nor more than $1,500.00. The period suspension of the privilege to operate a vessel on the waters of the state of any person convicted under this subsection shall be extended for an additional six months for each such conviction."

SECTION 11.

Said chapter is further amended by revising Code Section 52-7-22, relating to safety and educational programs, as follows:

"52-7-22.

(a) The department ~~is authorized to inaugurate a comprehensive boating safety and boating~~ shall establish a comprehensive boating education program and ~~to~~ may seek the cooperation of boatmen, the federal government, and other states. The department may accept moneys made available under federal safety programs and may issue ~~safety~~ boating certificates to persons who complete courses in boating ~~safety~~ education.

(b) Effective July 1, 2014, and except as otherwise provided by this chapter, anyone born on or after January 1, 1998, who operates any motorized vessel on the waters of this state shall complete a boating education course approved by the department prior to the operation of such vessel.

(c) A person shall be exempt from the provisions of subsection (b) of this Code section if he or she is:

(1) Licensed by the United States Coast Guard as a master of a vessel;

(2) Operating such vessel on a private lake or pond; or

(3) A nonresident who has in his or her possession proof that he or she has completed a National Association of State Boating Law Administrators approved boater education course or the equivalency from another state."

SECTION 12.

Said chapter is further amended by revising Code Section 52-7-26, relating to penalty for violations relative to registration, operation, and sale of watercraft generally, as follows:

"52-7-26.

Except as otherwise provided in this article, any person who violates this article or any rule or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this article, the term 'rules and regulations' ~~shall mean~~ means those rules and regulations of the Board of Natural Resources in force and effect on ~~January 1, 2012~~ February 5, 2013."

SECTION 13.

Said chapter is further amended by revising subsection (a) of Code Section 52-7-51, relating to penalty for violations relative to displaying of watercraft information, as follows:

"(a) Any person who violates this article or any rules and regulations issued hereunder shall be guilty of a misdemeanor. For purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this article, the term 'rules and regulations' ~~shall mean~~ means those rules and regulations of the Board of Natural Resources in force and effect on ~~January 1, 2012~~ February 5, 2013."

SECTION 14.

This Act shall become effective on May 15, 2013, and shall apply to all offenses occurring on or after May 15, 2013; provided, however, that for purposes of determining the number of prior convictions or pleas of nolo contendere pursuant to the felony provisions of paragraph (4) of subsection (m) of Code Section 52-7-12, only those offenses for which a conviction or a plea of nolo contendere is obtained on or after May 15, 2013, shall be considered.

SECTION 15.

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:

E Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	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	N Henson	Y Murphy	E Spencer
Y Battles	Y Dickson	N Hightower	Y Neal	Y Stephens, M
E Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	N Nix	Y Stephenson
N Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
E Bentley	E Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
N Braddock	N Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	N Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	N Teasley
Y Bruce	Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Thomas, B
Y Buckner	Y Fleming	E Jones, S	Y Ramsey	N Turner
Y Burns	N Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
N Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S

Y Carson	Y Frye	Y Kendrick	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
N Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	N Setzler	Y Williams, C
E Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
E Coleman	Y Greene	Y Maxwell	E 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 146, nays 17.

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

Pursuant to HR 564, the House recognized and commended Deputy Jason Michael Ross.

Pursuant to HR 563, the House recognized and commended Dr. Archie Rainey, Director of Georgia's Law Enforcement Command College at Columbus State University.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 255. By Representatives Rogers of the 10th, Powell of the 32nd, Hitchens of the 161st, Lumsden of the 12th, Benton of the 31st and others:

A BILL to be entitled an Act to amend Code Section 40-1-102 of the Official Code of Georgia Annotated, relating to certification as a prerequisite to the operation of a motor carrier of passengers or household goods or property and minimum insurance requirement, and Article 6A of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration of the federal Unified Carrier Registration Act of 2005, so as to transfer the administration responsibilities of the federal Unified Carrier Registration Act of 2005 from the Department of Revenue to the Department of Public Safety, to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 40-1-102 of the Official Code of Georgia Annotated, relating to certification as a prerequisite to the operation of a motor carrier of passengers or household goods or property and minimum insurance requirement, and Article 6A of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration of the federal Unified Carrier Registration Act of 2005, so as to transfer the administration responsibilities of the federal Unified Carrier Registration Act of 2005 from the Department of Revenue to the Department of Public Safety, 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.

Code Section 40-1-102 of the Official Code of Georgia Annotated, relating to certification as a prerequisite to the operation of a motor carrier of passengers or household goods or property and minimum insurance requirement, is amended by revising subsection (b) as follows:

"(b) Before a motor carrier may enter into any contract for the transportation of passengers, the motor carrier shall provide to all parties to the agreement a copy of the motor carrier's proof of legally required minimum insurance coverage and a valid certification number demonstrating that the motor carrier is currently certified by the commissioner, ~~the Commissioner of Revenue,~~ the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency. Any contract entered into in violation of this Code section shall be void and unenforceable."

SECTION 2.

Article 6A of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration of the federal Unified Carrier Registration Act of 2005, is amended by revising Code Section 40-2-140, relating to the Department of Revenue to administer provisions of this article, registration and fee requirements, evidence of continuing education, requirements for obtaining operating authority, collection, retention, and utilization of fees, regulatory compliance inspections, and penalties, as follows:

"40-2-140.

(a) As used in this Code section, the term 'commissioner' means the commissioner public safety.

~~(a)~~(b) The Department of ~~Revenue~~ Public Safety shall be the state agency responsible for the administration of the federal Unified Carrier Registration Act of 2005, which includes participating in the development, implementation, and administration of the Unified Carrier Registration Agreement.

~~(b)~~(c) Every foreign or domestic motor carrier, leasing company leasing to a motor carrier, broker, or freight forwarder that engages in interstate commerce in this state shall register with the commissioner or a base state and pay all fees as required by the federal Unified Carrier Registration Act of 2005.

~~(c)~~(d)(1) Any motor carrier, leasing company leasing to a motor carrier, broker, or freight forwarder that engages in intrastate commerce and operates a motor vehicle on or over any public highway of this state shall register with the commissioner and pay a fee determined by the commissioner.

(2) No motor carrier shall be issued a registration unless there is filed with the commissioner or the Federal Motor Carrier Safety Administration or any successor agency a certificate of insurance for such applicant or holder, on forms prescribed by the commissioner, evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state. Such policy shall provide for the protection of passengers in passenger vehicles and the protection of the public against the negligence of such motor carrier, and its servants or agents, when it is determined to be the proximate cause of any injury. The commissioner shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. Failure to file any form required by the commissioner shall not diminish the rights of any person to pursue an action directly against a motor carrier's insurer. The insurer may file its certificate of insurance electronically with the commissioner.

(3) The commissioner shall have the power to permit self-insurance in lieu of a policy of indemnity insurance whenever in his or her opinion the financial ability of the motor carrier so warrants.

(4) Any person having a cause of action, whether arising in tort or contract, under this Code section may join in the same cause of action the motor carrier and its insurance carrier.

~~(d)~~(e) Before any motor carrier engaged in exempt passenger intrastate commerce shall operate any motor vehicle on or over any public highway of this state, the motor carrier shall register with the commissioner and pay a fee determined by the commissioner.

~~(d.1)~~(f) Before any motor carrier shall be registered under the federal Unified Carrier Registration Act of 2005 by the Department of ~~Revenue~~ Public Safety, that carrier shall furnish evidence to the ~~department~~ Department of Public Safety that the carrier, through an authorized representative, has completed, within the preceding 12 months, an educational seminar on motor carrier operations and safety regulations that has been certified by the commissioner.

~~(e)~~(g) In addition to any requirements under the federal Unified Carrier Registration Act of 2005, motor carriers required to have operating authority shall fulfill all applicable requirements for obtaining operating authority prior to any operation of a motor vehicle to which such requirements apply.

~~(f)~~(h) The commissioner shall collect the fees imposed by this Code section and may establish rules and regulations and prescribe such forms as are necessary to administer this Code section and the federal Unified Carrier Registration Act of 2005. Notwithstanding the provisions of Code ~~Sections~~ Section 40-2-131 ~~and 48-2-17~~, the commissioner shall retain and utilize such fees for motor carrier safety programs and enforcement and administration of this article.

~~(g)~~(i) The commissioner ~~of public safety~~, and persons he or she designates pursuant to Chapter 2 of Title 35, shall have the authority to perform regulatory compliance inspections under the provisions of Article 5 of Chapter 2 of Title 35 for purposes of determining compliance with laws and regulations, the enforcement and administration of which is the responsibility of the Department of Public Safety.

~~(h)~~(j) Every officer, agent, or employee of any corporation and every person who fails to comply with this article ~~and any order, rule, or regulation of the Public Service Commission, Department of Public Safety, or Department of Revenue,~~ or who procures, aids, or abets therein, shall be guilty of a misdemeanor. Misdemeanor violations of this article may be prosecuted, handled, and disposed of in the manner provided for in Chapter 13 of this title."

SECTION 3.

This Act shall become effective on July 1, 2014.

SECTION 4.

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

Representative Rogers of the 10th moved that the House agree to the Senate substitute to HB 255.

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

E Abrams	Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	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
E 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
E Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	E Pak	Y Strickland
Beverly	Y Dunahoo	Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
Y Bryant	Y Evans	Jones, L	Y Quick	Y Thomas, B
Y Buckner	Y Fleming	E Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Carson	Y Frye	Kendrick	Y Roberts	Y Welch

Y Carter	Y Fullerton	Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
E 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	E Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 162, nays 0.

The motion prevailed.

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to 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) Skeeball 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.

~~(10)~~(19) 'Successful player' means an individual who wins on one or more plays of a bona fide coin operated amusement machine.

~~(11)~~(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.

(C) Each municipality and each county in this state may by local ordinance prohibit any or all Class B machine, as defined and provided for in this Section, to operate within its boundaries.

~~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.

(n) Failure to obtain a master license or location license as required by this Code section shall subject the person to a fine of up to $25,000.00 and repayment of all fees or receipts due to the corporation pursuant to this article and may subject the person to a loss of all state 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)~~(f) 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.

(h) All fees assessed by the corporation pursuant to this article shall be considered lottery proceeds, and shall not be remitted to the general fund.

~~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~~ permit 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~~ makes a material false statement on any application or renewal application for a master license or permit sticker under this ~~chapter~~ article by fraud, misrepresentation, or subterfuge or makes a material false entry on any book, record, or report which is compiled, maintained, or submitted to the corporation pursuant to the provisions of this article is guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $25,000.00, or both.

(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~~ fee 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)~~(f) 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 AWARDING 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 master license; provided, however, that a manufacturer or distributor may own a bona fide coin operated amusement machine intended for sale to an operator, master licensee, manufacturer, or distributor.

(2) A master licensee 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 a master licensee, the person shall not have had a gambling license in any state for at least five years prior to obtaining or renewing a Georgia master's license.

(4) On or after July 1, 2013, no person with or applying for a master license shall have an interest in any manufacturer, distributor, location owner, or location operator in this state. Additionally, no group or association whose membership includes manufacturers, distributors, operators, master licensees, location owners, or location operators shall obtain a master license nor shall they form an entity which acts as a master licensee, operator, location owner, or location operator for the purpose of obtaining a master license.

(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 master licensee to the loss of any other state or local license held by the master licensee. The corporation shall notify any state or federal agency that issues a license to such master licensee 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 master licensee and only if the owner or agent of the location owner or location operator has entered into a written agreement with a master licensee 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 with a master license, 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 master licensee'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 master licensee 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 a master licensee and a location owner or location operator; provided, however, that an employee of a master licensee may receive compensation, including a commission, for such agreements or contracts. A master licensee shall not pay a commission or provide anything of value to any person who is an employee, independent contractor, or immediate family member of a location owner or location operator.

(d) This Code section shall only apply to manufacturers, distributors, operators, master licensees, 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, a master licensee, location owner, or location operator retaining more than 50 percent of the net monthly proceeds for the operation of a Class B machine;

(2) A master licensee or owner entering into an agreement with a manufacturer or distributor:

(A) That grants the owner or master licensee 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 a master licensee, 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, master licensee, 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, master licensee, 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, owner, or master licensee 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 appointee shall be a licensed location owner or location operator. 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 2

50-27-100.

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. As used in this subsection, the term 'entity' shall also include the entity's employees, independent contractors, consultants, or any other person as defined in

paragraph (15) of subsection (b) of Code Section 50-27-70 which is related to the entity during the time the vendor is involved with providing service as it relates to the Class B accounting terminal for the corporation.

(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.

50-27-103.

The penalties provided for in this article shall be in addition to any criminal penalties that may otherwise be provided by law."

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) and adding new subsections to read 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."

"(g.1) Any location owner or location operator or person employed by a location owner or location operator who violates subsection (h) or (i) of this Code section for the second separate offense shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $25,000.00, or both, as well as loss of location license and all other state licenses.

(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."

"(k) Any person, location owner, or location operator who places, provides, or displays a bona fide coin operated amusement machine and offers it to play for consideration in Georgia in an establishment for which the location owner or location operator is not licensed or in a private residence shall be guilty of a felony and, upon conviction, shall

be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $25,000.00, or both."

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.

Representative Ramsey of the 72nd moved that the House disagree to the Senate substitute to HB 487.

The motion prevailed.

HB 234. By Representatives Smith of the 70th, Ramsey of the 72nd, Lindsey of the 54th and Epps of the 132nd:

A BILL to be entitled an Act to amend Title 13 of the Official Code of Georgia Annotated, relating to contracts, so as to enact a new chapter that provides for notice of automatic renewal provisions in service contracts; to provide for notice to a consumer prior to the automatic renewal of a service contract; to provide for definitions; to provide for exemptions; to provide for an effective date and applicability; 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 Title 13 of the Official Code of Georgia Annotated, relating to contracts, so as to enact a new chapter that provides for notice of automatic renewal provisions in service contracts; to provide for notice to a consumer prior to the automatic renewal of a service contract; to provide for definitions; to provide for exemptions; to provide for an effective date and applicability; 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 13 of the Official Code of Georgia Annotated, relating to contracts, is amended by adding a new chapter to read as follows:

"CHAPTER 12

13-12-1.

As used in this chapter, the term:

(1) 'Automatic renewal provision' means a provision under which a service contract is renewed for a specified period of more than one month if the renewal causes the service contract to be in effect more than six months after the day of the initiation of

the service contract. Such renewal is effective unless the consumer gives notice to the seller of the consumer's intention to terminate the service contract.

(2) 'Consumer' means a natural person receiving service, maintenance, or repair benefits under a service contract. The term does not include a natural person engaged in business or employed by or otherwise acting on behalf of a governmental entity if the person enters into the service contract as part of or ancillary to the person's business activities or on behalf of the business or governmental entity.

(3) 'Seller' means any person, firm, partnership, association, or corporation engaged in commerce that sells, leases, or offers to sell or lease any service to a consumer pursuant to a service contract.

(4) 'Service contract' means a written contract for the performance of services for a specified period of time.

13-12-2.

Any seller that sells, leases, or offers to sell or lease any service to a consumer pursuant to a service contract that has an automatic renewal provision shall disclose the automatic renewal provision clearly and conspicuously in the contract or contract offer.

13-12-3.

Any seller that sells, leases, or offers to sell or lease any service to a consumer pursuant to a service contract for a specified period of 12 months or more and that automatically renews for a specified period of more than one month, unless the consumer cancels the contract, shall provide the consumer with written or electronic notification of the automatic renewal provision. Notification shall be provided to the consumer no less than 30 days or no more than 60 days before the cancellation deadline pursuant to the automatic renewal provision. Such notification shall disclose clearly and conspicuously:

(1) That unless the consumer cancels the contract, the contract will automatically renew; and

(2) The methods by which the consumer may obtain details of the automatic renewal provision and cancellation procedure, including contacting the seller at a specified telephone number or address, referring to the contract, or any other method.

13-12-4.

This chapter shall not apply to:

(1) A financial institution as provided in Chapter 1 or 2 of Title 7 or any depository institution as defined in 12 U.S.C. Section 1813(c)(2);

(2) A foreign bank maintaining a branch or agency licensed under the laws of any state of the United States;

(3) Any subsidiary or affiliate of an entity provided in paragraph (1) or (2) of this Code section;

(4) Any electric utility as provided in Chapter 3 of Title 46;

(5) Any entity regulated pursuant to Chapter 45 of Title 43; or

(6) Any county, municipal corporation, authority, or local government or governing body.

13-12-5.
A violation of this chapter renders the automatic renewal provision of a contract void and unenforceable."

SECTION 2.
This Act shall become effective on July 1, 2013, and shall apply only to contracts entered into on or after that date.

SECTION 3.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Smith of the 70th offers the following amendment:

Amend the substitute to HB 234 (HB 234/SCSFA/2) by striking line 19 and inserting in lieu thereof the following:

(2) 'Consumer' means a natural person or a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 receiving service, maintenance, or repair benefits

Representative Smith of the 70th moved that the House agree to the Senate substitute, as amended by the House, to HB 234.

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

E Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	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
E 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
E Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	E Pak	Y Strickland
Y Beverly	Y Dunahoo	Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T

Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Thomas, B
Y Buckner	Y Fleming	E Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	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
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
N Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
E 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	E Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 164, nays 2.

The motion prevailed.

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

HR 762. By Representatives Martin of the 49th, Riley of the 50th, Ramsey of the 72nd and Ralston of the 7th:

A RESOLUTION congratulating Mrs. Sandra Cauley, Mrs. Georgia United States 2013, and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 763. By Representative Kidd of the 145th:

A RESOLUTION commending Willie Julian "Bill" Usery, Jr., and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 764. By Representatives Rice of the 95th and Marin of the 96th:

A RESOLUTION recognizing and commending the Norcross High School girls basketball team on their 2013 GHSA Class AAAAAA State Championship win and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 765. By Representatives Rice of the 95th and Marin of the 96th:

A RESOLUTION congratulating the Norcross Blue Devils boys basketball team on their 2013 Class AAAAAA State Championship win and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 766. By Representatives Ralston of the 7th, Wilkinson of the 52nd, O`Neal of the 146th, Brooks of the 55th and Smyre of the 135th:

A RESOLUTION honoring the memory of Mr. Dick Pettys, expressing regret at his passing, designating a portrait commissioned by members of the House of Representatives to be displayed in the Coverdell Legislative Office Building in his honor, and inviting members of his family to be recognized by the House of Representatives; and for other purposes.

HR 767. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Mr. Gardner Wright and inviting him to be recognized by 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 488. By Representatives Roberts of the 155th, Ralston of the 7th, O`Neal of the 146th and England of the 116th:

A RESOLUTION recognizing and commending Roberto Roy and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 636. By Representatives Abrams of the 89th, Pak of the 108th, Henson of the 86th, Bell of the 58th, Carter of the 175th and others:

A RESOLUTION recognizing the month of April, 2013, as Genocide Prevention and Awareness Month at the capitol and inviting the Georgia Coalition to Prevent Genocide to be recognized by the House of Representatives; and for other purposes.

HR 722. By Representatives Carson of the 46th, Marin of the 96th, Williamson of the 115th, Hamilton of the 24th, Ehrhart of the 36th and others:

A RESOLUTION recognizing March 20, 2013, as Boy Scout Day at the capitol and inviting a designee from each council of the Georgia Councils of the Boy Scouts of America to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 768. By Representative Dickerson of the 113th:

A RESOLUTION recognizing and commending Chairwoman Kathryn G. Morgan on her outstanding accomplishments; and for other purposes.

HR 769. By Representative Lumsden of the 12th:

A RESOLUTION congratulating the Trion High School competition cheerleading team for their 2012 GHSA Class A Public Cheerleading Championship win; and for other purposes.

HR 770. By Representative Meadows of the 5th:

A RESOLUTION recognizing and commending Alec Garren McGaskey; and for other purposes.

HR 771. By Representative Ralston of the 7th:

A RESOLUTION commending the House Interns for the 2013 Regular Session; and for other purposes.

HR 772. By Representatives Thomas of the 56th, Alexander of the 66th, Bruce of the 61st and Jones of the 62nd:

A RESOLUTION recognizing and commending Mr. Lionel Daniels; and for other purposes.

HR 773. By Representatives Thomas of the 56th, Alexander of the 66th, Stovall of the 74th, Jones of the 53rd, Bell of the 58th and others:

A RESOLUTION recognizing and commending Gabrielle Douglas; and for other purposes.

HR 774. By Representative Allison of the 8th:

A RESOLUTION commending the Towns County High School Lady Indians Cross Country Team for their significant achievements; and for other purposes.

HR 775. By Representatives Waites of the 60th and Welch of the 110th:

A RESOLUTION recognizing and commending June R. Wood on the occasion of her retirement; and for other purposes.

HR 776. By Representatives Tanner of the 9th and Ralston of the 7th:

A RESOLUTION congratulating the Dawson County High School Lady Tigers basketball team for their excellent performance at the GHSA Class AAA State Championship game; and for other purposes.

HR 777. By Representative Parrish of the 158th:

A RESOLUTION recognizing and commending Mr. Richard M. McNeely; and for other purposes.

HR 778. By Representative Fludd of the 64th:

A RESOLUTION recognizing and commending Mike and Cheryl Cater for 25 years of service as house parents at Christian City Home for Children; and for other purposes.

HR 779. By Representatives Stover of the 71st, Smith of the 70th and Epps of the 132nd:

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 780. By Representatives Williamson of the 115th, Rice of the 95th, Clark of the 98th, Chandler of the 105th, Abrams of the 89th and others:

A RESOLUTION recognizing and commending Capitol Commission and Pastor Ron J. Bigalke; and for other purposes.

Representative Stephens of the 164th District, Chairman of the Committee on Economic Development and Tourism, submitted the following report:

Mr. Speaker:

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

SB 177 Do Pass, by Substitute

Respectfully submitted,
/s/ Stephens of the 164th
Chairman

Representative Benton of the 31st District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

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

SB 62 Do Pass

Respectfully submitted,
/s/ Benton of the 31st
Chairman

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

Mr. Speaker:

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

SB 121 Do Pass, by Substitute
SB 231 Do Pass, by Substitute

Respectfully submitted,
/s/ Rice of the 95th
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.