

Representative Hall, Atlanta, Georgia

Tuesday, March 26, 2013

Thirty-Ninth Legislative Day

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

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

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

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

Representatives Casas of the 107th, Coomer of the 14th, Dollar of the 45th, Ehrhart of the 36th, Epps of the 132nd, Floyd of the 99th, Hill of the 22nd, Jordan of the 77th, Meadows of the 5th, Oliver of the 82nd, Pak of the 108th, Powell of the 32nd, Rice of the 95th, Smyre of the 135th, and Willard of the 51st.

They wished to be recorded as present.

Prayer was offered by Dr. J. Gerald Harris, Interim Pastor, Cartersville First Baptist Church, Cartersville, 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.

The following communication was received:

House of Representatives
Coverdell Legislative Office Building, Room 507
Atlanta, Georgia 30334

Mr. Robert Rivers
Clerk of the Georgia House of Representatives
309 State Capitol Building
Atlanta, GA 30304

Dear Mr. Rivers:

Please accept the following as explanation of my vote on HB 209 which was taken on 03/25/13. I casted a No vote inadvertently when my vote should have been a Yea. I did not catch the error until the machine was locked. I apologize for any inconvenience this may have caused; however I would appreciate it if my explanation can be filed.

Thank you.

Sincerely,

/s/ Karen Bennett
Representative HD 94

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 4. By Representatives Geisinger of the 48th, Lindsey of the 54th, Stephens of the 164th, McCall of the 33rd, Riley of the 50th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to provide for pari-mutuel wagering or betting on horse racing in this state; to provide for the comprehensive regulation of such activities; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 664. By Representative Gasaway of the 28th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 665. By Representative Oliver of the 82nd:

A BILL to be entitled an Act to incorporate a new municipality in DeKalb County, Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 666. By Representative Caldwell of the 131st:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of roads and revenues for the County of Pike, approved March 17, 1870 (Ga. L. 1870, p. 447), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4903), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 667. By Representative Fleming of the 121st:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit illegal aliens from possessing, transporting, or shipping firearms; to provide for definitions; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 668. By Representative Fleming of the 121st:

A BILL to be entitled an Act to amend Article 4 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to the conduct and argument of counsel, so as to provide for matters relative to opening statements; to provide for presentation of evidence at trial; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 669. By Representatives Oliver of the 82nd, Dudgeon of the 25th, Mosby of the 83rd, Mayo of the 84th and Kaiser of the 59th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to authorize a local board of education to agree to interventions by the State Board of Education in lieu of removal proceedings if a school system or

a school is placed on the level of accreditation immediately preceding loss of accreditation; to provide for requirements; to provide for statutory construction; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 670. By Representatives Fleming of the 121st, Ballinger of the 23rd, Quick of the 117th, Strickland of the 111th and Welch of the 110th:

A BILL to be entitled an Act to amend Code Section 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade names, so as to require registration of trade names with the clerk of superior court; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to establish a state-wide trade name registry; to provide for duties of clerks of superior courts; to provide for fees; to provide for related matters; to correct a cross-reference; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 671. By Representatives Rice of the 95th, Powell of the 32nd, Dempsey of the 13th, Randall of the 142nd, Golick of the 40th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 17 of the O.C.G.A., relating to general provisions for pretrial proceedings; to amend Code Section 24-8-823 of the O.C.G.A., relating to admissions and confessions received with care and no conviction on uncorroborated confession; to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses; to amend Code Section 40-6-391 of the O.C.G.A., relating to driving under the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice of conviction for persons convicted for a second time, and endangering a child while under the influence; to amend Code Section 48-2-35 of the O.C.G.A., relating to taxpayer refunds; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 672. By Representative Rice of the 95th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide a new exemption from state sales and use taxes only for a limited period of time regarding the sale of rain water harvesting equipment; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 673. By Representatives Dukes of the 154th and Greene of the 151st:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide that, subject to referendum approval, all crop dusters shall be exempt from all ad valorem taxation; to provide for a referendum election with respect to effectiveness; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 674. By Representatives Welch of the 110th, Caldwell of the 131st and Weldon of the 3rd:

A BILL to be entitled an Act to amend Code Sections 15-18-14 and 17-12-27 of the Official Code of Georgia Annotated, relating to the appointment of assistant district attorneys and assistant public defenders, respectively, so as to provide for state funded positions for juvenile court; to amend Chapters 11 and 18 Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings and prosecuting attorneys, respectively, so as provide for conforming amendments to HB 242 as enacted during the 2013-2014 biennium of the General Assembly; to provide for related matters; to provide an effective date; to provide for conditional automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HB 675. By Representatives Geisinger of the 48th, Parsons of the 44th, Carson of the 46th, Taylor of the 79th and Ehrhart of the 36th:

A BILL to be entitled an Act to amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions regarding public

utilities, so as to provide that in the event of litigation against a gas company or electric utility to enjoin, prevent, stop, or delay the construction by such gas company or electric utility of a facility to be used by the gas company or public utility for the provision of gas or electrical service to customers in this state, the losing party shall be required to pay attorney's fees and costs of litigation to the winning party; to provide for exceptions; to provide for certain notices; to provide for sanctions for failure to provide such notices; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HR 1. By Representatives Geisinger of the 48th, Lindsey of the 54th, Stephens of the 164th, McCall of the 33rd, Riley of the 50th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for pari-mutuel wagering on horse racing; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Regulated Industries.

HR 868. By Representatives Drenner of the 85th, Henson of the 86th, Mayo of the 84th, Oliver of the 82nd, Mitchell of the 88th and others:

A RESOLUTION creating the House Study Committee on Municipalities, Annexations, and Local Forms of Government in DeKalb County; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 869. By Representative Dempsey of the 13th:

A RESOLUTION recognizing the problem of untreated and undertreated chronic pain and requesting that the appropriate agencies of state government examine how the state can improve the health and productivity of its citizens and reduce personal and government health expenditures by following the recommendations of the Institute of Medicine report; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 870. By Representative Sims of the 123rd:

A RESOLUTION urging the Capitol Arts Standards Commission to arrange for placement of a suitable portrait of former Speaker Pro Tempore Jack Connell in an appropriate location in the state capitol; and for other purposes.

Referred to the Committee on State Properties.

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

HB 656	HB 657
HB 658	HB 659
HB 660	HB 661
HB 662	HB 663
HR 844	HR 845
HR 846	SB 254
SB 256	SB 257
SB 258	SB 259

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

Mr. Speaker:

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

SR 378 Do Pass, by Substitute

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

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

Mr. Speaker:

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

HB 655 Do Pass
 SB 250 Do Pass
 SB 253 Do Pass, by Substitute

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

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

HOUSE RULES CALENDAR
 TUESDAY, MARCH 26, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 39th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

SB 62 Federal and State Funded Health Care Financing Program Overview Committee; establish (Substitute)(HumR-Kirby-114th) Hill-32nd
 SB 104 Community Affairs, Dept. of; comprehensive plans of local government; revise the minimum elements (GAff-Carter-175th) Ginn-47th
 SB 177 Georgia Tourism Foundation; change the membership (Substitute)(ED&T-Stephens-164th) Ginn-47th
 SB 181 Georgia History Month; declare September of each year (SP&CA-Hatchett-150th) Bethel-54th
 SB 218 Highways, Bridges and Ferries; annual commercial wrecker emergency tow permits; qualifications for issuance (Trans-Roberts-155th) Gooch-51st
 SB 242 Downtown Development Authorities; undertake projects; reducing energy or water consumption; renewable resources (EU&T-Martin-49th) Hill-6th

Modified Structured Rule

SB 91 "Emerging Crops Fund Act"; repeal (Substitute)(A&CA-McCall-33rd) Harper-7th

SR 293 Ralph A. Pierce Memorial Highway; Lumpkin County; dedicate
(Substitute)(Trans-Roberts-155th) Gooch-51st

Structured Rule

SB 145 Agritourism; add farm weddings to the definition (Substitute)(W&M-
Knight-130th) Heath-31st

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 and Senate were taken up for consideration and read the third time:

HB 655. By Representative Nimmer of the 178th:

A BILL to be entitled an Act to repeal an Act creating the Brantley County Airport Authority, approved May 14, 2008 (Ga. L. 2008, p. 4380); to provide for the transfer of all assets, property, and legal rights and obligations of the Brantley County Airport Authority to Brantley County; to provide for transfer of records and pending matters; to provide for transfer of employees; to repeal conflicting laws; and for other purposes.

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

SB 250. By Senators Jackson of the 2nd and Carter of the 1st:

A BILL to be entitled an Act to amend an Act incorporating the City of Port Wentworth, approved February 6, 1957 (Ga. L. 1957, p. 2003), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3734), and an Act approved May 6, 2009 (Ga. L. 2009, p. 3564), so as to change the description of the council districts; to provide for definitions and inclusions; to provide for manner of election; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 253. By Senator Ginn of the 47th:

A BILL to be entitled an Act to provide a new charter for the City of Carlton; 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 following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Carlton; 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 a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.

Name.

This city and the inhabitants thereof are hereby reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name of the "City of Carlton" and by that name shall have perpetual succession.

SECTION 1.11.

Corporate Boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map of the corporate limits of the City of Carlton, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and Construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

SECTION 1.13.

Examples of Powers.

(a) Air and Water Pollution. To regulate the emission of smoke or other exhaust which pollutes the air, and to prevent the pollution of natural streams which flow within the corporate limits of the city.

(b) Animal Regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder.

(c) Appropriations and Expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes

authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city.

(d) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

(e) Business Regulation and Taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses after due process for failure to pay any city taxes or fees.

(f) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(g) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations.

(h) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city.

(i) Environmental Protection. To protect and preserve the natural resources, environment and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(j) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof.

(k) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firm, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges.

(l) General Health, Safety and Welfare. To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards.

(m) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or granter may impose.

- (n) Health and Sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards.
- (o) Jail Sentences. To provide that persons given jail sentences in the city court may work out such sentences in any public works or on the streets, roads, drains and squares in the city, to provide for commitment of such persons to any jail, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials.
- (p) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys and walkways of the city.
- (q) Municipal Agencies and Delegation of Power. To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same.
- (r) Municipal Debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this charter or the laws of the State of Georgia.
- (s) Municipal Property Ownership. To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city.
- (t) Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof.
- (u) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance.
- (v) Nuisance. To define a nuisance and provide for its abatement whether on public or private property.
- (w) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia.
- (x) Planning and Zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- (y) Police and Fire Protection. To exercise the power of arrest through duly appointed policemen, and to establish, operate, or contract for a police and a fire fighting agency.

(z) Public Hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public.

(aa) Public Improvements. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(bb) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances.

(cc) Public Transportation. To organize and operate such public transportation systems as are deemed beneficial.

(dd) Public Utilities and Services. To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission.

(ee) Regulation of Roadside Areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances.

(ff) Retirement. To provide and maintain a retirement plan for officers and employees of the city.

(gg) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

- (hh) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plan and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system.
- (ii) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items.
- (jj) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors.
- (kk) Special Assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements.
- (ll) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.
- (mm) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the future by law.
- (nn) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles.
- (oo) Urban Redevelopment. To organize and operate an urban redevelopment program.
- (pp) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.

Exercise of Powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City Council Creation; Number; Election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five council members. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and council members shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City Council Terms and Qualifications for Office.

No person shall be eligible to serve as mayor or council member unless he or she shall have been a resident of the city for 12 months prior to the date of election of the mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city.

SECTION 2.12.

Vacancy; Filling of Vacancies; Suspensions.

(a) Vacancies. The office of mayor or council member shall become vacant upon the occurrence of the incumbent's death, resignation, forfeiture of office, missing two regular meetings in three months or 25 percent of regular meetings in one calendar year, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Filling of Vacancies. A vacancy in the office of mayor or council member shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remains in the unexpired term, otherwise by an election, as provided for in Section 5.15 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.

(c) Upon the suspension from office of mayor or council member in any manner authorized by the general laws of the State of Georgia, the city council or those remaining

shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

SECTION 2.13.

Compensation and Expenses.

The mayor and council members shall receive compensation and expenses for their services as provided by ordinance; however, compensation shall be paid only for meetings attended.

SECTION 2.14.

Conflicts of Interest; Holding Other Offices.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of Interest - No elected official, appointed officer, or employee of the city of any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; and

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has financial interest.

(c) Disclosure. Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any council member who has a private interest in the matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and the official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(d) Use of Public Property. No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts Voidable and Rescindable. Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(f) Ineligibility of Elected Official. Except where authorized by law, neither the mayor nor any council member shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which the official was elected.

(g) Political Activities of Certain Officers and Employees. No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

(h) Penalties for Violation.

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his or her office or position.

(2) Any officer or employee of the city who shall forfeit an office or position, as described in paragraph (1) of this subsection, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and Investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to

obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

SECTION 2.16.

General Power and Authority of the City Council.

Except as otherwise provided by the charter, the city council shall be vested with all the powers of government of this city.

SECTION 2.17.

Eminent Domain.

The city council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational Meeting.

The city council shall hold an organizational meeting at its first regular meeting in January following an election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly swear that I will well and truly demean myself as (mayor) (council member) of the City of Carlton for the ensuing term, that I will faithfully enforce the charter and ordinances of the city to the best of my skill and ability, without fear or favor, so help me God."

Newly elected members' terms shall begin immediately after they are sworn in and they shall hold office until their successors are sworn in.

SECTION 2.19.

Regular and Special Meetings.

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to council members shall not be required if the mayor and all

council members are present when the special meeting is called. Such notice of any special meeting may be waived by a council member in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such council member's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of Procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor, with the advice and consent of the council, and shall serve at his or her pleasure. The mayor shall have the power to appoint new members to any committee at any time, with the advice and consent of the council.

SECTION 2.21.

Quorum: Voting.

(a) Three council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of a majority of council members present shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as a negative vote.

(b) No member of the city council shall abstain from voting on any matter properly brought before the council for official action except when such council member has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved.

SECTION 2.22.

Ordinance Form; Procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Carlton hereby ordains . . ." and every ordinance shall so begin.

(b) An ordinance may be introduced by any council member and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each council member and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action Requiring An Ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or three council members and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three council members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of Technical Regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to include copies of any code of regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

SECTION 2.26.

Signing; Authenticating; Recording; Codification; Printing.

(a) The clerk shall authenticate by the clerk's signature and record in full, in a properly indexed book kept for that purpose, all ordinances adopted by the council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Carlton, Georgia." Copies of the code shall be furnished to all officers, departments and agencies of the city, and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with the reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

Election of Mayor; Forfeiture; Compensation.

The mayor shall be elected and serve for a term of four years and until his or her successor is elected and qualified. The mayor shall be a qualified elector of this city and

shall have been a resident of the city for 12 months immediately preceding his or her election. The mayor shall continue to reside in this city during the period of his or her service. The mayor shall forfeit his or her office on the same grounds and under the same procedure as for council members. The compensation of the mayor shall be established in the same manner as for council members.

SECTION 2.28.

Chief Executive Officer.

The mayor shall be the executive of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter.

SECTION 2.29.

Powers and Duties of Mayor.

As the chief executive of this city, the mayor shall:

- (a) See that all laws and ordinances of the city are faithfully executed;
- (b) Appoint and remove, for cause, all officers, department heads, and employees of the city except as otherwise provided in this charter;
- (c) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (d) Prepare and submit to the council a recommended annual operating budget and recommended capital budget;
- (e) Submit to the council at least once a year a statement covering the financial conditions of the city and from time to time such other information as the city council may request;
- (f) Preside over all meetings of the city council;
- (g) Call special meetings of the city council as provided for in Section 2.19;
- (h) Participate in the discussion of all matters brought before the city council and vote on such matters only in the case of a tie vote;
- (i) Recommend to the city council such measures relative to the affairs of the city improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;
- (j) Approve or disapprove ordinances as provided in Section 2.30;
- (k) Require any department or agency of the city to submit written reports whenever he or she deems it expedient;
- (l) Sign as a matter of course all written contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and
- (m) Perform such other duties as may be required by general state law, this charter, or ordinance.

SECTION 2.30.

Submission of Ordinances to the Mayor; Veto Power.

- (a) Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption.
- (b) The mayor shall, within ten calendar days of receipt of an ordinance, return it to the clerk with or without his or her approval, or with his or her disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the clerk a written statement of his or her reasons for his or her veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its next meeting. If the city council then or at its next general meeting adopts the ordinance by an affirmative vote of the entire council members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the city council as though disapproved and shall become law unless overridden by the council as provided in subsection (c) of this section.

SECTION 2.31.

Mayor Pro Tem; Selection; Duties.

By a majority vote, the city council shall elect a council member to serve as mayor pro tem. The mayor pro tem shall preside at all meetings of the city council and shall assume the duties and powers of the mayor upon the mayor's disability or absence. The city council by a majority vote shall elect a new presiding officer from among its members for any period in which the mayor pro tem is disabled, absent or acting as mayor. Any such absence or disability shall be declared by majority vote of all council members. When serving as mayor, the mayor pro tem shall not also vote as a member of the council.

ARTICLE III**ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and Service Departments.

- (a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties, and establish, abolish or alter all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

- (b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of his or her department or agency.
- (e) All appointive officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointive officers and directors shall be employees at-will and subject to removal or suspension at any time by the mayor unless otherwise provided by law.

SECTION 3.11.

Boards, Commissions and Authorities.

- (a) The city council shall create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall by ordinance establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.
- (c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or authority.
- (d) Except as otherwise provided by charter or by law, no member of any board, commission or authority shall hold any elective office in the city.
- (e) Any vacancy on a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed in this section for original appointment, except as otherwise provided by this charter or by law.
- (f) No member of a board, commission or authority shall assume office until he or she has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) All board members serve at-will and may be removed at any time by a vote of three members of the city council unless otherwise provided by law.
- (h) Except as otherwise provided by this charter or by law, each board, commission or authority of the city shall elect one of its members as chairman and one member as vice-chairman, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission or authority of the city government may establish bylaws, rules and regulations, not inconsistent with this

charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

SECTION 3.12.

City Attorney.

The city council shall appoint a city attorney who shall be a member of the State Bar of Georgia and shall provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him or her by virtue of his or her position as city attorney. The city attorney is not a public official of the city and does not take an oath of office. The city attorney shall at all times be an independent contractor.

SECTION 3.13.

City Clerk-Treasurer.

The city council shall appoint a city clerk-treasurer who shall not be a council member. The city clerk-treasurer shall be custodian of the official city seal and city records; be responsible for the general duties of a treasurer and fiscal officer; maintain city council records required by this charter; shall collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city; and perform such other duties as may be required by the city council.

SECTION 3.14.

Personnel Policies.

All employees serve at-will and may be removed from office at any time unless otherwise provided by ordinance. The city council shall adopt policies or ordinances to provide for:

- (1) The method of employee selection, promotion and transfer;
- (2) Hours of work, vacation, sick leave, and other leaves of absence, and overtime pay; and
- (3) Other personnel policies.

ARTICLE IV

JUDICIAL BRANCH

SECTION 4.10.

Creation; Name.

There shall be a court to be known as the Municipal Court of the City of Carlton.

SECTION 4.11.

Chief Judge; Associate Judge.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall have attained the age of 21 years, shall be an active member in good standing of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Judges serve at-will and may be removed from office at any time by the city council unless otherwise provided by ordinance.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she will honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; Powers.

- (a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 90 days or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and care taking of prisoners bound over to superior courts for violations of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the

appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violations cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Madison County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for Court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.

SECTION 5.11.

Election Districts.

The City of Carlton shall consist of one election district with five numbered posts. Each person seeking election as a council member shall designate the post for which he or she seeks election.

SECTION 5.12.

Election of the Mayor and City Council.

(a) There shall be a municipal general election biennially on the Tuesday next following the first Monday in November.

(b) The mayor and council members serving on the effective date of this charter shall continue to serve for the remainder of their terms and until their successors are duly elected and qualified. The five council members' positions shall be designated Posts 1, 2, 3, 4, and 5, and each candidate shall designate the post for which he or she seeks election at the time of qualifying. The mayor and council members from Posts 1 and 2 elected at the 2013 general election shall take office on the first day of January, 2014, and shall serve terms of four years. The council members from Posts 3, 4, and 5 elected at the 2013 general election shall take office on the first day of January, 2014, and shall serve terms of two years. Thereafter, the mayor and council members shall be elected at the general election immediately prior to the expiration of their terms of office and shall serve terms of four years, and until their successors are duly elected and qualified.

SECTION 5.13.

Non-Partisan Elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.14.

Election by Plurality.

The person receiving a plurality of the votes cast for any city office shall be elected. In the event of a tie, a run-off election shall be held and the candidate who receives the highest number of votes cast in the run-off election shall be elected.

SECTION 5.15.

Special Elections; Vacancies.

In the event that the office of mayor or council member shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.

SECTION 5.16.
Other Provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated.

SECTION 5.17.
Removal of Officers.

(a) The mayor, council members, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted:

- (1) By the death of the incumbent;
- (2) By resignation, when accepted;
- (3) By decision of a competent tribunal declaring the office vacant;
- (4) By voluntary act or misfortune of the incumbent whereby he or she is placed in any of the specified conditions of ineligibility to office;
- (5) By the incumbent ceasing to be a resident of the state or of the county, circuit, or district for which he or she was elected;
- (6) By failing to apply for and obtain commissions or certificates or by failing to qualify or give bond, or both, within the time prescribed by the laws and Constitution of Georgia; or
- (7) By abandoning the office or ceasing to perform its duties, or both.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished one of the following methods:

- (1) By a vote of three council members after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the

Superior Court of Madison County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By a petition of recall by the electors of the City of Carlton, as provided by the laws of the State of Georgia.

ARTICLE VI
FINANCE
SECTION 6.10.
Property Tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.
Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.
Occupation and Business Taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18.

SECTION 6.13.
Regulatory Fees; Permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts from the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

SECTION 6.15.

Service Charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18.

SECTION 6.16.

Special Assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18.

SECTION 6.17.

Construction; Other Taxes.

This city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of Delinquent Taxes and Fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General Obligation Bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue Bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

SECTION 6.21.

Short-Term Loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Lease-Purchase Contracts

The city may enter into multiyear lease, purchase or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal Year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government.

SECTION 6.24.

Preparation of Budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvements program and a capital budget, including requirements as to the scope, content and form of such budgets and programs.

SECTION 6.25.

Submission of Operating Budget to City Council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget and the capital improvements budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by City Council on Budget.

(a) The city council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than December of each year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations

ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise encumbered balance of the appropriations, or allotment thereof, to which it is chargeable.

SECTION 6.27.

Tax Levies.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriate for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.28.

Changes in Appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget, at any regular meeting, special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.29.

Capital Improvements Budget.

(a) On or before the date fixed by the city council but no later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the constructing of any building, structure, work or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24.

(b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December of each year. No appropriation provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time

during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

SECTION 6.30.

Independent Audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.31.

Contracting Procedures.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of course, it is signed by him or her to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city journal of proceedings pursuant to Section 2.20.

SECTION 6.32.

Centralized Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.33.

Sale of City Property.

- (a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending or widening any street, avenue, alley or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell or convey said cut-off or separated parcel or tract of land to an abutting or

adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

**ARTICLE VII
GENERAL PROVISIONS**

SECTION 7.10.

Bonds for Officials.

The officers and employees of this city, both elective and appointive, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Prior Ordinances.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

SECTION 7.12.

Pending Matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel or offices as may be provided by the city council.

SECTION 7.13.

Construction.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.14.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

SECTION 7.15.

Repealer.

An Act to establish a new charter for the City of Carlton, approved February 18, 1955 incorporating the City of Carlton (Ga. L. 1988, p. 20), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

SECTION 7.16.

Effective Date.

This charter shall become effective July 1, 2013.

SECTION 7.17.

Repealer.

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.

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

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

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

Y Bell	Y Douglas	Y Hitchens	Y Nix	E Stephenson
Y Bennett	E Drenner	Y Holcomb	Oliver	Y Stovall
E Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Beverly	E 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	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	E Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	E Jasperse	Y Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Thomas, A.M.
Y Bryant	Y Evans	Jones, L	Y Quick	Y Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Floyd	Jordan	Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Kendrick	Y Roberts	Y Welch
Y Carter	E Fullerton	Y Kidd	Y Rogers, C	Weldon
Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bills, the ayes were 156, 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 adheres to its disagreement to the House amendment to Senate substitute and has appointed a Committee of Conference on the following bill of the House:

HB 142. By Representatives Ralston of the 7th, O'Neal of the 146th, Smyre of the 135th, Jones of the 47th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 21 of the O.C.G.A., relating to ethics in government, so as to change certain provisions relating to powers and duties of the Georgia Government Transparency and Campaign Finance Commission; to change certain provisions relating to definitions relative to public officers' conduct and lobbyist disclosure; to change certain provisions relating to lobbyist registration requirements, application for

registration, supplemental registration, expiration, docket, fees, identification cards, public rosters, and exemptions; to regulate certain contact between lobbyists and members of the General Assembly and the making or acceptance of certain expenditures; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Mullis of the 53rd, Shafer of the 48th, and Chance of the 16th.

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

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

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

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

HB 150. By Representatives Bruce of the 61st, Pruett of the 149th, Roberts of the 155th, Burns of the 159th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 10, Chapter 1 of Title 35, Article 4 of Chapter 18 of Title 50, and Title 51 of the O.C.G.A., relating to selling and other trade practices, general provisions for law enforcement officers and agencies, inspection of public records, and torts, respectively, so as to enact provisions relating to the reproduction of arrest booking photographs; to require law enforcement agencies to copyright or watermark certain photographs; to authorize copyrighting of public records; to provide for the right of publicity in an individual's persona; to prohibit the use of an individual's persona for commercial purposes without authorization; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 187. By Representatives Dickerson of the 113th, Holt of the 112th, Welch of the 110th, Rutledge of the 109th, Stephenson of the 90th and others:

A BILL to be entitled an Act to amend Code Section 16-13-32.6 of the Official Code of Georgia Annotated, relating to manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substances or marijuana in, on, or within drug-free commercial zones, so as to change the date of incorporation of local ordinances by reference; to repeal conflicting laws; and for other purposes.

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

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

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

A BILL to be entitled an Act to amend Code Section 45-12-75 of the Official Code of Georgia Annotated, relating to the contents and form of the budget report, so as to require certain items to be included in the tax expenditure review; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

Representatives Hugley of the 136th, Abrams of the 89th, Mayo of the 84th, Fludd of the 64th, Taylor of the 79th, Riley of the 50th, Morgan of the 39th, Watson of the 166th,

Jones of the 53rd, Kidd of the 145th, Thomas of the 56th, Carson of the 46th, Kaiser of the 59th, and Houston of the 170th.

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

Mr. Speaker:

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

HR 760	Do Pass
SB 163	Do Pass, by Substitute

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

The Speaker Pro Tem assumed the Chair.

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

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Department of Economic Development, so as to change the membership of the Georgia Tourism Foundation; to provide for certain

federal grant sharing; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Department of Economic Development, is amended by revising subsection (e) of Code Section 50-7-17, relating to tourism marketing program and tourism foundation, as follows:

"(e) **Georgia Tourism Foundation.**

(1) **Establishment.** There is hereby established the Georgia Tourism Foundation, existing as a public corporation and instrumentality of the state, exclusively limited to the following charitable and public purposes and powers:

- (A) To solicit and accept contributions of money and in-kind contributions of services and property for the State-wide Tourism Marketing Program;
- (B) To make and disburse contributions to the department for such purposes;
- (C) To seek recognition of tax exempt status by the United States Internal Revenue Service and to seek confirmation concerning the deductibility of contributions;
- (D) To formulate recommendations for the State-wide Tourism Marketing Program;
- (E) Subject to approval of the Governor, to create subsidiaries with like character and powers but with limited missions keyed to particular component programs and activities of the department's State-wide Tourism Marketing Program; and

(F) To provide for additional officers and governance through bylaws which are consistent with the goals of lessening the government burden in promoting tourism, establishing and maintaining tax exempt status, and soliciting deductible contributions.

(2) **Members.** The governance of the Georgia Tourism Foundation shall be in members, consisting of: not less than nine nor more than 20 members, appointed by the Governor; provided, however, that one member shall be appointed by the chairperson of the Senate Economic Development Committee and one member shall be appointed by the chairperson of the House Committee on Economic Development and Tourism. Members shall always include at least three members of the Board of Economic Development, together with such other members as appointed by the Governor. Service by a member of the Board of Economic Development as a member of the Georgia Tourism Foundation shall not constitute a conflict of interest. A member of the Georgia Tourism Foundation who is a member of the Board of Development shall serve as the chairperson of the Georgia Tourism Foundation and shall be elected by the members of the Georgia Tourism Foundation. In no event shall members of the Board of Economic Development comprise more than one-third of the members of the Georgia Tourism Foundation. The Georgia Tourism

Foundation shall be authorized to fix the precise number of members, within the minimum and maximum numbers, by resolution adopted from time to time at a meeting of the Georgia Tourism Foundation by a majority of all the members of the Georgia Tourism Foundation. No member shall be individually liable for the acts or omissions to act by the foundation.

- ~~(A) The commissioner of economic development, who will be chairperson;~~
- ~~(B) The commissioner of natural resources;~~
- ~~(C) Each of the executive directors of the Jekyll Island State Park Authority, Stone Mountain Memorial Association, Lake Lanier Islands Authority, Agricultural Exposition Authority, North Georgia Mountains Authority, and Southwest Georgia Railroad Excursion Authority;~~
- ~~(D) One representative each from the Aviation, Music, Sports, and Golf Halls of Fame; and~~
- ~~(E) Additional private members appointed by the Governor under foundation bylaws.~~

~~The chairpersons of the Senate Economic Development Committee and the House Economic Development and Tourism Committee shall serve as ex officio nonvoting members of the foundation.~~

(3) **Administration.** The Georgia Tourism Foundation ~~will~~ shall be attached to the department for administrative purposes. The Attorney General ~~will~~ shall be the attorney for the foundation. The department may solicit and accept contributions from the foundation and authorize agencies to do so. The department may cooperate and contract with the foundation for their mutual benefit and authorize agencies to do so. Upon any dissolution of the foundation, its assets will devolve in trust to the department or its successor for use only for marketing to promote tourism for Georgia.

(4) **Public purpose.** The creation of the Georgia Tourism Foundation and the carrying out of its corporate purposes are in all respects for the benefit of the people of this state and constitute a public and charitable purpose. Further, the foundation will be performing an essential governmental function in the exercise of the powers conferred upon it by this Code section. Accordingly, the foundation shall not be subject to taxation or assessment in any manner, including without limitation taxation or assessment upon any transaction, income, money, or other property or activity. The exemptions granted in this Code section ~~may~~ shall not be extended to any private person or entity."

SECTION 2.

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

"50-7-11.1.

In the event the board accepts grants and gifts from the federal government pursuant to Code Section 50-7-10, the board shall also have the authority to administer and disperse those funds for any and all purposes of this article in a manner consistent with the terms

of the grant or gift and other applicable laws, the provisions of Code Section 50-7-11 notwithstanding."

SECTION 3.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 159, nays 1.

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

SB 218. By Senators Gooch of the 51st, Miller of the 49th, Jackson of the 24th, Mullis of the 53rd, Beach of the 21st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to dimensions and weight of vehicles and loads, so as to provide for qualifications for the issuance of annual commercial wrecker emergency tow permits; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to provide that farm weddings or participation in certain equestrian performance events shall not constitute a breach of covenant; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, is amended by revising subsection (p) by deleting "or" at the end of paragraph (6), replacing the period at the end of subparagraph (p)(7)(B) with a semicolon, and adding new paragraphs to read as follows:

"(8) Allowing all or part of the property which has been subject to a covenant for at least one year to be used as a site for farm weddings; or

(9) Allowing all or part of the property which has been subject to a covenant for at least one year to be used to host not for profit equestrian performance events to which spectator admission is not contingent upon an admission fee but which may charge an entry fee from each participant."

SECTION 2.

This Act shall become effective on July 1, 2013.

SECTION 3.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 160, nays 1.

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

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to care and protection of indigent and elderly patients, is amended by adding a new article to read as follows:

"ARTICLE 9

31-8-210.

(a) There is created as a joint committee of the General Assembly the Federal and State Funded Health Care Financing Programs Overview Committee to be composed of one member of the House of Representatives appointed by the Governor; one member of the Senate appointed by the Governor; the chairperson of the House Committee on Appropriations; the chairperson of the House Committee on Health and Human Services; the chairperson of the House Committee on Ways and Means; the chairperson of the Senate Appropriations Committee; the chairperson of the Senate Health and Human Services Committee; the chairperson of the Senate Finance Committee; and the

minority leaders of the Senate and House of Representatives. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairperson of the committee shall be appointed by the Speaker of the House of Representatives from the membership of the committee, and the vice chairperson of the committee shall be appointed by the President of the Senate from the membership of the committee. The chairperson and vice chairperson shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairperson or vice chairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the actions of the board and the department under this article to evaluate the success with which the board and the department are accomplishing the statutory duties and functions as provided in this article.

(b) The board and the department shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, the state accounting officer, and other state agencies in order that the charges of the committee set forth in this Code section may be timely and efficiently discharged. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the board and the department as set forth in this Code section.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government."

SECTION 2.

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

SECTION 3.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 126, nays 27.

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

The following communication was received:

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

March 26, 2013

To: Clerk of House

Please record my vote as follows:

- SB 145 "Yes"
- SB 62 "No"
- SB 177 "Yes"
- SB 218 "Yes"

Thank you,

/s/ Dar'shun Kendrick
Rep. Dar'shun Kendrick

SB 91. By Senators Harper of the 7th, Wilkinson of the 50th, Mullis of the 53rd, Staton of the 18th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to repeal the "Emerging Crops Fund Act"; 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 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to revise the "Emerging Crops Fund Act"; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by revising Chapter 8A, the "Emerging Crops Fund Act," as follows:

"CHAPTER 8A

2-8A-1.

This chapter shall be known and may be cited as the 'Emerging Crops Fund Act.'

2-8A-2.

The purpose of this chapter is to promote economic development by encouraging the production of plant or animal crops in Georgia which ~~have not been~~ are produced commercially ~~to their full potential, to encourage farmers of this state to shift from enterprises with low profit margins to those with higher profit margins,~~ and to make available to consumers emerging crops grown in Georgia.

2-8A-3.

As used in this chapter, the term:

(1) 'Emerging crop' means a plant or animal crop for which consumers have a ~~growing demand, which has potential for economic development, which has a~~

~~development time from beginning of production to commercial harvest or initial sale of the product of not less than 18 months nor more than five years, and which has been designated an emerging crop by the Georgia Development Authority or by Code Section 2-8A-4.~~

(2) 'Farmer' means a resident of Georgia who engages in or wishes to engage in the commercial production of an emerging crop on land in Georgia. This term shall include individuals, family-farm corporations meeting the requirements of paragraph (2) of subsection (b) of Code Section 48-5-7.1, and partnerships in which all of the partners are either individuals or family-farm corporations meeting such requirements.

(3) 'Fund' means the Emerging Crops Fund established in Code Section 2-8A-5.

(4) 'Georgia Development Authority' or 'authority' means the Georgia Development Authority provided for in Chapter 10 of Title 50.

(5) 'Interest loan' means a loan made from the fund to pay the interest on a loan made by a lender to a farmer to finance the ~~nonland capital~~ costs of ~~establishing~~ production of an emerging crop.

(6) 'Lender' means a commercial bank, savings bank, savings and loan association, federal land bank, farm credit bank, production credit association, or other farm credit agency which is domiciled or qualified to do business in Georgia or the Farmers Home Administration.

2-8A-4.

~~Emerging crops shall include but not be limited to the following crops:~~

~~(1) Blueberries;~~

~~(2) Blackberries;~~

~~(3) Strawberries;~~

~~(4) Raspberries;~~

~~(5) Asparagus;~~

~~(6) Peaches;~~

~~(7) Apples;~~

~~(8) Grapes;~~

~~(9) Pears;~~

~~(10) Ornamental horticultural plants;~~

~~(11) Christmas trees; and~~

~~(12) Fish farming which shall include, but shall not be limited to, crawfish, Saint Peter's (Tilapia) fish, freshwater shrimp, catfish, hybrid bass (a cross between striped bass and white bass), and rainbow trout Reserved.~~

2-8A-5.

(a) ~~There Pursuant to Article III, Section IX, Paragraph VI (j) of the Constitution of Georgia, there~~ is established as a separate fund of the Georgia Development Authority a fund to be known as the 'Emerging Crops Fund,' which shall be used to make interest loans on loans made to farmers for ~~nonland capital~~ costs of ~~establishing~~ production of emerging crops on land in Georgia. The fund shall be administered by the Georgia

Development Authority. The Georgia Development Authority shall by rules or regulations develop definitions, guidelines, standards, requirements, and procedures for making interest loans as authorized in this chapter. Funds for the Emerging Crops Fund and for the administration of said fund shall be provided from the following sources:

- (1) Appropriations by the General Assembly, and funds appropriated to the Emerging Crops Fund shall be presumptively concluded to have been committed to the purpose for which appropriated and shall not lapse;
- (2) The repayment of interest loans made from the fund; and
- (3) Any interest or earnings made from the investment of funds of the Emerging Crops Fund.

(b) The Georgia Development Authority shall maintain the Emerging Crops Fund entirely separate from any other funds of the authority, and no funds available to the authority to carry out its purposes under Chapter 10 of Title 50 shall be used for the purposes of the Emerging Crops Fund. The source of funds provided for in subsection (a) of this Code section shall be the only source of funds for the Emerging Crops Fund.

(c) Except as limited by subsection (b) of this Code section, the Georgia Development Authority may exercise any power possessed by the authority under Chapter 10 of Title 50 to carry out the provisions of this chapter.

2-8A-6.

Any lender which has made or makes a loan to a farmer to finance the ~~nonland capital~~ costs of ~~establishing~~ production of an emerging crop on land in Georgia may make application to the Georgia Development Authority for an interest loan to pay interest on the loan during the period from the beginning of production to harvest or initial sale of the product, which payment shall be made from the fund. The maximum amount of interest loans from the fund for the benefit of any one farmer shall be \$50,000.00; provided, however, that the Georgia Development Authority in administering the fund shall give priority to smaller interest loans. During the period that the Georgia Development Authority pays the interest on a loan from the fund, the maximum rate of interest which may be charged on the loan by the lender shall be ~~2 1/2 percent per annum above the prime rate charged by banks on short term business loans as published daily in the Wall Street Journal~~ as established from time to time by the Georgia Development Authority. By payment of the interest on a loan, neither the Georgia Development Authority nor the State of Georgia shall be a guarantor of the loan. The Georgia Development Authority shall, by rule or regulation, require such security or lien as may be necessary to provide adequate security for the authority as condition for making an interest loan as authorized by this chapter.

2-8A-7.

Repayment of an interest loan made from the fund shall be deferred for a period of time not more than five years or the time when the emerging crop should reach maturity, whichever is later. The schedule for repayment of the interest loan shall be a period of time equal to two times the period that interest is paid on the loan from the fund for that

emerging crop. No interest shall be charged on interest loans from the fund, and only the amount actually loaned from the fund shall be required to be repaid. Repayment of interest loans from the fund shall be made to the lender, which shall remit the amounts collected to the Georgia Development Authority for deposit into the fund."

SECTION 2.

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

SECTION 3.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 161, nays 1.

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

SR 293. By Senator Gooch of the 51st:

A RESOLUTION honoring the life of Mr. Ralph A. Pierce and dedicating a road in his memory; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, Mr. Ralph A. Pierce was born on October 17, 1912, in Lumpkin County, Georgia, and during his lifetime he played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of the United States; and

WHEREAS, a lifelong Lumpkin County resident, Mr. Pierce and his family operated C.D. Pierce and Son Grocery at the junction of Ga. 52 and Ga. 115 for 64 years; and

WHEREAS, a man of deep and abiding faith, Mr. Pierce was a member of Wahoo Baptist Church and taught the adult Sunday school class for over 50 years; and

WHEREAS, Mr. Pierce served as a guardian of this nation's freedom and liberty with the United States Army, valiantly and courageously participating in the Normandy invasion as a TEC4 during World War II; and

WHEREAS, prior to his passing on August 9, 2012, Mr. Pierce was the oldest living veteran in Lumpkin County at the age of 99 years, nine months, and 23 days; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized by naming a road in his memory.

PART II

WHEREAS, Judge William Jeffrey Lowe was born on April 12, 1958, in Lumpkin County, Georgia, and upon his graduation from Lumpkin County High School, he enrolled in the police academy and began work as a Lumpkin County deputy sheriff; and

WHEREAS, he dedicated 21 years to protecting and serving the citizens of Georgia as a deputy in Lumpkin and Forsyth counties, until he was asked to serve as Lumpkin County's Assistant Magistrate Judge; and

WHEREAS, in 1996, Judge Lowe was elected as a Magistrate Judge and served until his passing in 2012; and

WHEREAS, his leadership and vision were instrumental to numerous organizations, including as a charter member and president of the Georgia Jail Association and as a representative of the Ninth Circuit on the Council of Magistrate Court Judges; and

WHEREAS, Judge Lowe actively gave back to his community through his work with the local Jaycees, the Lions Club, Habitat for Humanity, Woodmen of the World, and Blue Mountain Lodge #38; and

WHEREAS, a man of deep and abiding faith, Judge Lowe was a lifetime member of Antioch Baptist Church; and

WHEREAS, Judge Lowe was united in love and marriage to his supportive and caring wife, Debbie, and the couple were inducted into the Order of the Eastern Star; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized by naming an intersection in his memory.

PART III

WHEREAS, the State of Georgia lost a hero and good Samaritan with the passing of Mr. Dekai Amonrasi on July 31, 2012; and

WHEREAS, Mr. Amonrasi was born on February 26, 1964, the beloved son of Donald Fong and Fonseca Richards; and

WHEREAS, a true hero, Mr. Amonrasi selflessly responded to action when he witnessed a fellow driver's car hit a guard rail and flip over a bridge on Roosevelt Highway and onto train tracks below; and

WHEREAS, with only the thought of aiding another in need, Mr. Amonrasi exited his vehicle to provide assistance to the accident victim and lost his life in his attempt to save another's; and

WHEREAS, Mr. Amonrasi's willingness to sacrifice his own life to help another in need serves as the epitome of courage and bravery; and

WHEREAS, it is abundantly fitting and proper that the heroic actions of this remarkable Georgian be appropriately recognized by naming a bridge in his memory.

PART IV

WHEREAS, Melvin Ernest Thompson was born on May 1, 1903, in Millen, Georgia, the beloved son of Eva Inez Edenfield Thompson and Henry J. Thompson; and

WHEREAS, Governor Thompson earned a bachelor's degree from Emory University and a master's degree from the University of Georgia; and

WHEREAS, he began his career in the field of education as a principal and coach at Emanuel County Institute, served as superintendent for the Hawkinsville Public School System, worked as a state school supervisor and an assistant state superintendent of schools, and served as secretary of the Executive Department under Governor Ellis Arnall; and

WHEREAS, after a two-year term as the state revenue commissioner, Governor Thompson was elected to this state's highest office in 1947; and

WHEREAS, during Governor Thompson's tenure as governor, the University of Georgia's veterinary medical school and the Georgia Institute of Technology's engineering building were constructed, educators received salary increases, and the state purchased Jekyll Island, which was turned into a successful, year-round public resort; and

WHEREAS, Governor Thompson was instrumental in the success of the City of Valdosta and Lowndes County, where his leadership as a founding member of the Valdosta-Lowndes County Industrial Authority spearheaded much of the urban development and planning for Valdosta and the surrounding areas, including the Azalea City Industrial Park; and

WHEREAS, a community leader and advocate, Governor Thompson served as chairman of the Education Committee for the Trade School Development Committee, president of the Valdosta Rotary Club, and a member of Kappa Phi Kappa, Kappa Delta Phi, WOW, Civitan, and Shriners; and

WHEREAS, Governor Thompson was united in love and marriage to his wife, Ann Newton Thompson, and he was blessed with a remarkable son, Melvin Ernest Thompson, Jr., and five grandchildren; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized by naming a road in his memory.

PART V

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Sergeant John A. Franklin was born on January 25, 1942, and served as a guardian of this nation's freedom and liberty with the United States Army with C. Company 2nd Battalion, 501st Infantry, 101st Airborne Division; and

WHEREAS, a native of Rossville, Georgia, Sergeant Franklin gave the ultimate sacrifice on April 26, 1986, when he was killed in action in Thua Thien Province, South Vietnam; and

WHEREAS, Sergeant Franklin demonstrated a deep personal commitment to protecting democracy and gave the ultimate sacrifice to ensure the well-being of his fellow man; and

WHEREAS, it is important that fallen soldiers are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, Sergeant Franklin embodied the spirit of service and found meaning in something greater than himself, and it is abundantly fitting and proper that the sacrifice of this remarkable and distinguished American be honored appropriately.

PART VI

WHEREAS, Mr. Fernando Joseph Torras was born in 1885 in Brunswick, Georgia, and during his lifetime he played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia and Glynn County; and

WHEREAS, Mr. Torras served as Brunswick's city manager and was the main engineer for the causeway that was completed in 1924 to connect Brunswick to St. Simons Island and Sea Island; and

WHEREAS, a graduate of the Georgia Institute of Technology, Mr. Torras built rail lines, bridges, and roads in the jungles of South America before tackling the causeway

project which alleviated the need for an hour ferry ride to get to St. Simons from the mainland; and

WHEREAS, at a time when others thought the construction of a causeway was impossible, Mr. Torras had the foresight and experience to realize that the soft mud of the marsh beds could be dredged to make a stable roadbed; and

WHEREAS, the causeway was completed and open to vehicular traffic on June 26, 1924, after one year and one month of construction and was recognized as an engineering feat of history; and

WHEREAS, the building of the causeway was an entirely local project which was undertaken by the 25,000 people of Glynn County without state or federal aid; and

WHEREAS, during his role as city manager, Mr. Torras oversaw the development of the Howard Coffin Recreation Center, the Edo Miller Ball Park, numerous public boat marinas, and other developments within Brunswick; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized by naming a road in his memory.

PART VII

WHEREAS, during her lifetime, Mrs. Beulah Rucker Oliver demonstrated deep personal commitment to the welfare of the citizens of Georgia and made exceptional contributions to society; and

WHEREAS, Mrs. Rucker set an example for all women with her determination to make the world a better place; and

WHEREAS, in 1944, at the age of 56, Mrs. Rucker earned a degree from Savannah State College, while teaching public and private school, giving music lessons, and making and selling hats; and

WHEREAS, Mrs. Rucker opened The Industrial School in Hall County and later opened two schools in Gainesville, one of which was eventually merged with the City of Gainesville School District in the 1950s; and

WHEREAS, a dedicated educator and philanthropist, Mrs. Rucker was the first person to receive a Rosenwald Grant for her school, was the first woman to establish a school in Gainesville, and was the first person to start a Veterans Night School in this state; and

WHEREAS, Mrs. Rucker dedicated her entire life to "Light a Torch of Instruction"; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized with the naming of an intersection in her honor.

PART VIII

WHEREAS, Mr. Felton L. Hudson was born on July 19, 1932, and during his lifetime he played a vital role in leadership and demonstrated a deep commitment to the education of Georgia's future leaders; and

WHEREAS, a native of Greensboro, Georgia, Mr. Hudson earned a bachelor's degree from Morehouse College and a master's degree from the University of Georgia; and

WHEREAS, he dedicated over 37 years to challenging students in the Greene County Public School System as an educator and served as president of his local chapter of the Georgia Association of Educators; and

WHEREAS, a man of deep and abiding faith, Mr. Hudson was a lifelong member of New Springfield Baptist Church, where he served as chairman of the board of deacons and taught adult Sunday school class for over three decades, and served as a lay leader in the Second Shiloh Baptist Association; and

WHEREAS, Mr. Hudson served as president of the Greene County Branch of the NAACP, was a 33rd degree Mason with the Prince Hall Lodge where he served as Worshipful Master, and was a member of the Rotary Club of Greene County; and

WHEREAS, he organized Citizens United for Children, a nonprofit organization devoted to assisting underprivileged children and exposing them to cultural activities; and

WHEREAS, his leadership was invaluable to numerous Greene County organizations, including the Greene County Civic Association, the Greene County Board of Education, and the Greene County Recreation Department; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized by naming a road in his honor.

PART IX

WHEREAS, Friendship Road in Hall County is being widened, and the project will include new realignment for the road; and

WHEREAS, three public hearings were held in the community to inform property owners along the new realignment project of the name proposal.

PART X

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XI

WHEREAS, Reverend Willie Anderson, Sr., was born on January 5, 1924, and during his lifetime, he played a vital role in leadership and demonstrated a deep commitment to the citizens of Georgia; and

WHEREAS, a native of Liberty County, Georgia, Reverend Anderson was educated in the Liberty County School System and served as a guardian of this nation's freedom and liberty with the United States Army during World War II; and

WHEREAS, he dedicated 32 years to Fort Stewart as a Class A Diesel Engine Mechanic and served as the first president of the Parent Teachers Association of Riceboro Elementary School; and

WHEREAS, a man of deep and abiding faith, Reverend Anderson pastored three churches during a span of 22 years, and he served as chairperson for the Georgia General Assembly of the Church of God; and

WHEREAS, Reverend Anderson served as president of the Liberty County NAACP for several years and was honored with the organization's Guiding Light Award in 1960; and

WHEREAS, a community leader, Reverend Anderson served as a county commissioner for Liberty County and board member of the Coastal Georgia Area Community Action, Inc.; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized by naming an interchange and bridge in his honor.

PART XII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Senior Patrol Officer Gail Denise Thomas on January 24, 2012, when she was killed by a drunk driver while responding to a traffic accident; and

WHEREAS, SPO Thomas was born on December 22, 1965, in Atlanta, Georgia, the beloved daughter of Juliet Mack Thomas and Early Thomas; and

WHEREAS, a graduate of Atlanta's S.H. Archer High School and Georgia Military College, SPO Thomas worked for the Atlanta Police Department as a 911 dispatch operator for five years before she attended the H.T. Jenkins Atlanta Police Academy, where she graduated among the top students in her class; and

WHEREAS, SPO Thomas served as a police officer in Atlanta's Zone 5 and was a dedicated member of the force's honor guard and Red Dog Unit prior to her appointment as a Senior Patrol Officer, where she served as a field training officer for new recruits; and

WHEREAS, she was an adoring mother to her daughter, Jasmine Jay Sherman, who made her proud each and every day; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized with the naming of an interchange in her memory.

PART XIII

WHEREAS, Mr. Ray Daugharty was born on June 8, 1902, and spent a majority of his life in Fargo, Georgia; and

WHEREAS, Mr. Daugharty worked in the forestry industry his entire life, and at one time, he and his brother were considered to be the largest producers of cypress cross ties in the United States; and

WHEREAS, in 1920, at the age of 18, while attempting to deliver a load of sugar to a local whiskey still, Mr. Daugherty's mules refused to cross a rickety bridge over a local creek; and

WHEREAS, Mr. Daugharty decided to detour through the creek, and his wagon flooded, dumping the 500 pounds of sugar into what is now known as Sweetwater Creek; and

WHEREAS, a respected citizen of Fargo, Mr. Daugharty was a county leader as a Clinch County Commissioner and was a faithful member of the local Methodist church; and

WHEREAS, he was a devoted husband to his wife, Wilma Ellington, and was a loving father to his children, Glenice Fogg, Willena Drewe, and George Ray Daugharty, Jr.; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized with the naming of a bridge in his honor.

PART XIV

WHEREAS, during his lifetime, Mr. John Charles Birdine, Jr., played a vital role in leadership and demonstrated that he was truly a man of great courage, determination, and passion; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States military, sustained disabling injuries after two tours of duty in Vietnam, and was recognized with the Bronze Star, the Purple Heart, and Vietnam service and campaign medals; and

WHEREAS, Mr. Birdine served with the National Black Men's Health Network, the Zoning Review Board of the City of Atlanta, the Price Economic Opportunity Atlanta, the Black Family Project, the Metro Atlanta Kwanza Committee, the Poole Creek Neighborhood Relocation Committee, and Foxhead Development Corporation; and

WHEREAS, his leadership and guidance were instrumental as chairman of Atlanta's Neighborhood Planning Unit Z and he was recognized with awards from the International Register of Profiles, the Martin Luther King, Jr., Center for Nonviolent Social Change, and Cleveland Elementary School; and

WHEREAS, a man of deep and abiding faith who was loyal to country and prideful of his African American heritage, Mr. Birdine was an active member of Travelers Rest Baptist Church, the Dodd-Sterling Methodist Church, the Neighborhood Justice Center, Gate City Heritage House, the Disabled American Veterans Association, the NAACP, and the Association for the Studies of Classical African Civilization; and

WHEREAS, Mr. Birdine was largely responsible for the recovery and restoration of a slave graveyard containing approximately 300 to 400 unmarked graves directly under the Cleveland Avenue Bridge over Interstate 75 in Fulton County; and

WHEREAS, Mr. Birdine was the loving husband of Thelma Loretta L. Birdine, the proud father of five children, and a doting grandfather to ten grandchildren; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized by naming a bridge in his honor.

PART XV

WHEREAS, the Smoky Mountains are the most visited mountains in the United States; and

WHEREAS, Highway 411 is a historic and important road for commerce and is a major road for tourism; and

WHEREAS, Highway 411 takes drivers through picturesque communities and a friendly region that is the gateway to the Smoky Mountains.

PART XVI

WHEREAS, Eurith Dickson "Ed" Rivers has long been recognized by the citizens of this state for the vital role he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Governor Rivers served in both chambers of the General Assembly, adeptly representing the interests of his constituents in Lanier County; and

WHEREAS, as a member of the Georgia State Senate, Governor Rivers demonstrated invaluable leadership and was elected to serve as President Pro Tempore by his colleagues; and

WHEREAS, he was elected Governor by the citizens of Georgia in 1936 and won reelection in 1939; and

WHEREAS, Governor Rivers served the State of Georgia with honor and distinction, and his vision and unyielding commitment set the standard for public service; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized by naming a road in his memory.

PART XVII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Mr. Jim McClelland, Sr., lived his entire life in Cook County, Georgia, and during his lifetime he demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States 31st Infantry Regiment during World War II; and

WHEREAS, in 1942, Mr. McClelland was taken captive by Japanese forces and held as a prisoner of war for three years, four months, and 19 days, surviving the Bataan Death March; and

WHEREAS, his leadership and guidance were invaluable to the citizens of Cook County as a member of the Lenox City Council for eight years; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be recognized by naming a bridge in his honor.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the portion of Ga. 52 in Lumpkin County from Ga. 115 to the Hall County line is dedicated as the Ralph A. Pierce Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. Highway 19 and Cavender Creek Road in Lumpkin County is dedicated as the Judge William Jeffrey Lowe Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 29 over the train tracks near Roosevelt Highway and Welcome All Road in Fulton County is dedicated as the Dekai Amonrasi Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Interstate 75 in Lowndes County from the West Hill Avenue exit to the North Valdosta Road exit is dedicated as the Governor Melvin Ernest Thompson Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Battlefield Parkway and Dietz Road in Catoosa County is dedicated as the Sergeant John A. Franklin Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that GA25-Spur E. from Brunswick to St. Simons Island in Glynn County is dedicated as the F.J. Torras Causeway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 129 and Athens Street in Hall County is dedicated as the Beulah Rucker Oliver Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Veazey Road over Interstate 20 in Greene County is dedicated as the Felton L. Hudson Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 347 from Interstate 985 East to the Old Winder Highway is dedicated as the Lanier Islands Parkway.

BE IT FURTHER RESOLVED AND ENACTED that this body hereby joins in honoring military veterans and dedicates the interchange of I-475 and Thomaston Road in Macon-Bibb County as Veterans of All Wars Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the interchange and bridge at Interstate 95 over U.S. Highway 17 at South New Port Road in Liberty County is dedicated as the Reverend Willie Anderson, Sr., Memorial Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the interchange at Interstate 75 and Exit 251 in Fulton County is dedicated as the Senior Patrol Officer Gail Denise Thomas Memorial Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Ga. 177 over Sweetwater Creek between Fargo and Stephen Foster State Park in Clinch County is dedicated as the Ray Daugharty Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Cleveland Avenue over Interstate 75 in Fulton County is dedicated as the John Charles Birdine, Jr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. 411 from Interstate 75 to the Murray County line is dedicated as the Pathway to the Smokies.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 122 in Lanier County that runs beside Banks Lake from the City of Lakeland to the Lowndes County line is dedicated as the Governor Eurith Dickson "Ed" Rivers Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on County Road 246 Kinard Bridge Road over Interstate 75 in Cook County is dedicated as the Jim McClelland, Sr., POW Memorial Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation and the families of Mr. Ralph A. Pierce, Judge William Jeffrey Lowe, Mr. Dekai Amonrasi, Governor Melvin Ernest Thompson, Sergeant John A. Franklin, Mr. Fernando Joseph Torras, Mrs. Beulah Rucker Oliver, Mr. Felton L. Hudson, Reverend Willie Anderson, Sr., Senior Patrol Officer Gail Denise Thomas, Mr. Ray Daugharty, Mr. John Charles Birdine, Jr., Governor Eurith Dickson "Ed" Rivers, and Mr. Jim McClelland, Sr.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
E Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
N Barr	Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	E Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	E Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Teasley
Y Bruce	Y Epps, J	Jones, J	Y Pruett	Y Thomas, A.M.
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch

Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 169, nays 1.

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

The following Resolutions of the House were read and adopted:

HR 873. By Representative Mitchell of the 88th:

A RESOLUTION honoring the life and work of Ms. Caroline Miller; and for other purposes.

HR 874. By Representatives Williams of the 119th, Quick of the 117th, Frye of the 118th, Martin of the 49th, Ehrhart of the 36th and others:

A RESOLUTION recognizing and commending the University of Georgia women's swimming and diving team and Coach Jack Bauerle; and for other purposes.

HR 875. By Representatives Smith of the 70th and McCall of the 33rd:

A RESOLUTION recognizing and commending Dr. James E. "Jim" Kundell for his service to the State of Georgia; and for other purposes.

HR 876. By Representatives Sheldon of the 104th, Yates of the 73rd, Coomer of the 14th, Taylor of the 79th, Atwood of the 179th and others:

A RESOLUTION recognizing and commending Mr. Marvin Atherton on his outstanding public service; and for other purposes.

HR 877. By Representatives Evans of the 42nd, Jones of the 53rd and Wilkerson of the 38th:

A RESOLUTION congratulating the International Association of Machinists and Aerospace Workers on the occasion of its 125th anniversary; and for other purposes.

HR 878. By Representatives Teasley of the 37th, Setzler of the 35th, Lindsey of the 54th, Chapman of the 167th and Clark of the 98th:

A RESOLUTION honoring the life and memory of Mr. Robert Deadwyler; and for other purposes.

HR 879. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Brianna Gray Taylor, Model High School's 2013 STAR Student; and for other purposes.

HR 880. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Donna Bojo, Unity Christian School's 2013 STAR Teacher; and for other purposes.

HR 881. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Zachary Aaron LeMaster, Unity Christian School's 2013 STAR Student; and for other purposes.

HR 882. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Emily Mowery, Armuchee High School's 2013 STAR Teacher; and for other purposes.

HR 883. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Philip Titus, Darlington School's 2013 STAR Teacher; and for other purposes.

HR 884. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION Recognizing and commending Mrs. Beth Bagby Smith; and for other purposes.

HR 885. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION recognizing and commending Mr. Robert Skelton as a recipient of a 2013 Heart of the Community Award of Honor; and for other purposes.

HR 886. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION recognizing and commending Jim and Bonnie Moore as the recipients of a 2013 Heart of the Community Award of Honor; and for other purposes.

HR 887. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION recognizing and commending Dr. Robert Hortman as the recipient of a 2013 Heart of the Community Award of Honor; and for other purposes.

HR 888. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION recognizing and commending Matt Davis; and for other purposes.

HR 889. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Grace Anne Josephine Greene, Darlington School's 2013 STAR Student; and for other purposes.

HR 890. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION recognizing and commending Anne Culpepper; and for other purposes.

HR 891. By Representatives Taylor of the 79th, Knight of the 130th and Caldwell of the 131st:

A RESOLUTION recognizing and commending the Wildlife Club; and for other purposes.

HR 892. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Rebecca Mullenax, Coosa High School's 2013 STAR Student; and for other purposes.

HR 893. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Allison Goggans, Pepperell High School's 2013 STAR Teacher; and for other purposes.

HR 894. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Paige Reece, Model High School's 2013 STAR Teacher; and for other purposes.

HR 895. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Rick Riordan, Coosa High School's 2013 STAR Teacher; and for other purposes.

HR 896. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Juhi Upkar Varshney, Rome High School's 2013 STAR Student; and for other purposes.

HR 897. By Representatives Dempsey of the 13th, Coomer of the 14th and Lumsden of the 12th:

A RESOLUTION commending Mary Holcomb, Rome High School's 2013 STAR Teacher; and for other purposes.

HR 898. By Representatives Smyre of the 135th, Hugley of the 136th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION congratulating and commending Mr. Tony Hodge; and for other purposes.

HR 899. By Representatives Smyre of the 135th, Wilkinson of the 52nd, Riley of the 50th, Alexander of the 66th, Abrams of the 89th and others:

A RESOLUTION recognizing and commending Ms. Ingrid Saunders Jones on the occasion of her retirement; and for other purposes.

HR 900. By Representatives Roberts of the 155th and Ralston of the 7th:

A RESOLUTION recognizing March 26, 2013, as Georgia Railroad Association Day at the state capitol; and for other purposes.

HR 901. By Representative Harden of the 148th:

A RESOLUTION congratulating Lizzie B. "Punch" Brown McAdoo upon the occasion of her 80th birthday; and for other purposes.

HR 902. By Representatives Thomas of the 56th, Brooks of the 55th and Beasley-Teague of the 65th:

A RESOLUTION honoring the life and memory of Mr. Robert L. Williams, Jr.; and for other purposes.

The Speaker Pro Tem announced the House in recess until 1:30 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

Mr. Speaker:

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

HB 380. By Representatives Riley of the 50th, Jones of the 47th, Geisinger of the 48th, Wilkinson of the 52nd, Dudgeon of the 25th and others:

A BILL to be entitled an Act to amend an Act providing in Fulton County a system for pension and retirement pay to teachers and employees of the Board of Education of Fulton County, approved February 2, 1945 (Ga. L. 1945, p. 528), as amended, particularly by an Act approved May 11, 2009 (Ga. L. 2009, p. 4004), and an Act approved April 11, 2012 (Ga. L. 2012, p. 4982), so as to provide that the Board of Education of Fulton County shall be the plan sponsor and funding agent of such plan; to provide for the administration of the plan through a committee of the board of education; to provide for a committee known as the pension board; to provide for membership and duties of the pension board; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend an Act creating the State Court of Fulton County, approved March 24, 1976 (Ga. L. 1976, p. 3023), as amended, particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 3537), so as to change the compensation of the chief judge of the court; to provide for duties of the chief judge; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 444. By Representatives Willard of the 51st, Geisinger of the 48th, Jones of the 47th, Lindsey of the 54th, Rice of the 95th and others:

A BILL to be entitled an Act to amend an Act to supplement the salaries of the judges of the Superior Court of Fulton County, approved March 8, 1945 (Ga. L. 1945, p. 1076), as amended, particularly by an Act approved May 29, 2007

(Ga. L. 2007, p. 4092), so as to increase the amount of such supplement for the judges of the superior court; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 528. By Representatives Yates of the 73rd, Mabra of the 63rd and Fludd of the 64th:

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

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

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

HB 561. By Representatives Nimmer of the 178th and Dutton of the 157th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Jesup, approved December 15, 1937 (Ga. L. 1937-38 Ex. Sess., p. 1142), as amended, so as to change the description of the election districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance 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.

HB 575. By Representative Rice of the 95th:

A BILL to be entitled an Act to amend an Act to incorporate the City of Peachtree Corners, approved May 11, 2011 (Ga. L. 2011, p. 3729), so as to change certain provisions relating to the city's ability to enter into agreements with other governmental parties; to provide for the city's inclusion to the Gwinnett County Police Service District, the Gwinnett County Fire and

Emergency Medical Service District, the Gwinnett County Recreation District, and the Gwinnett County Emergency 9-1-1 System at the conclusion of the city's transition period; to clarify the city's municipal elections through the transition period; to provide for related matters; to repeal conflicting laws; and for other purposes.

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.

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.

HB 589. By Representative Jackson of the 128th:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Education of Washington County, approved April 5, 1993 (Ga. L. 1993, p. 4652), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4447), so as to revise the districts for the election of members of the board of education; to provide for definitions and inclusions; to provide for method of election; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 590. By Representative Kelley of the 16th:

A BILL to be entitled an Act to amend an Act providing a new Board of Education for Polk County, approved March 28, 1985 (Ga. L. 1985, p. 4985), as amended, so as to revise the districts for the election of members of the Board of Education of Polk County; to provide for related matters; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

- HB 591. By Representatives Glanton of the 75th, Stovall of the 74th, Waites of the 60th, Mabra of the 63rd and Scott of the 76th:

A BILL to be entitled an Act repealing an Act creating a code of ethics and ethics commission for the Clayton County School System, approved April 24, 2008 (Ga. L. 2008, p. 3616), as amended, particularly by an Act approved May 11, 2009 (Ga. L. 2009, p. 3869); and for other purposes.

- HB 593. By Representative Jackson of the 128th:

A BILL to be entitled an Act to amend an Act creating the board of commissioners of Washington County, approved August 20, 1913 (Ga. L. 1913, p. 452), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4454), so as to revise the districts for the election of members of the board of commissioners; to provide for definitions and inclusions; to provide for method of election; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 594. By Representatives Martin of the 49th, Jones of the 47th, Lindsey of the 54th, Riley of the 50th, Dudgeon of the 25th and others:

A BILL to be entitled an Act to amend an Act entitled "An Act to completely and exhaustively revise, supersede, consolidate, and replace all of the laws and amendments thereto pertaining to the Fulton County Personnel Board and the Fulton County Merit System of Personnel Administration," approved April 13, 1982 (Ga. L. 1982, p. 4896), as amended, so as to provide a statement of authority; to define certain terms; to provide that all future employees of Fulton County other than public safety employees shall be unclassified; to provide for current classified employees; to provide that employees may be dismissed, demoted, or disciplined for any reason or no reason without notice, explanation, or appeal; to provide a statement of legislative intent; to repeal conflicting laws; and for other purposes.

- HB 598. By Representatives Willard of the 51st, Jones of the 47th, Lindsey of the 54th, Wilkinson of the 52nd, Geisinger of the 48th and others:

A BILL to be entitled an Act to provide that Fulton County employees first or again employed on and after July 1, 2013, to serve the Superior Court of Fulton County, the Magistrate Court of Fulton County, or the State Court of Fulton County shall be employees at will; to repeal conflicting laws; and for other purposes.

- HB 603. By Representatives Evans of the 42nd, Ehrhart of the 36th, Wilkerson of the 38th, Parsons of the 44th, Bruce of the 61st and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3699), so as to change the compensation of the judges of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 604. By Representatives Jones of the 47th, Lindsey of the 54th, Geisinger of the 48th, Riley of the 50th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend an Act providing for the determination of millage rates by governing authorities in Fulton County, approved March 14, 1991 (Ga. L. 1991, p. 3506), so as to provide for dates on which the governing authority of Fulton County may make or fix certain levies of ad valorem taxes; to provide for procedures related thereto; to cite a certain constitutional authorization; to repeal conflicting laws; and for other purposes.

- 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.

- 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.

- HB 620. By Representatives Rice of the 95th, Marin of the 96th and Holcomb of the 81st:

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.

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.

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.

HB 629. By Representatives Gregory of the 34th, Setzler of the 35th, Carson of the 46th, Cooper of the 43rd, Teasley of the 37th and others:

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.

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.

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.

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.

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.

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

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.

Mr. Speaker:

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

HB 232. By Representatives Battles of the 15th and Maxwell of the 17th:

A BILL to be entitled an Act to amend Code Section 47-21-4 of the Official Code of Georgia Annotated, relating to employee and other contributions in the Regents Retirement Plan, so as to change the level of employee participation; to repeal conflicting laws; and for other purposes.

HB 289. By Representatives Kelley of the 16th, Lindsey of the 54th and Willard of the 51st:

A BILL to be entitled an Act to amend Part 1 of Article 4A of Title 11 of the Official Code of Georgia Annotated, relating to subject matter and definitions relative to funds transfers, so as to clarify the relationship between certain provisions of the Uniform Commercial Code and federal law; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to provide for the selection of the chief judge of the Atlanta Judicial Circuit; to provide for terms; to provide for powers and duties; to repeal conflicting laws; and for other purposes.

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

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

Mr. Speaker:

The Senate has disagreed to the House substitutes to the following bills of the Senate:

SB 113. By Senators Jones of the 10th, Stone of the 23rd, Ramsey, Sr. of the 43rd, Chance of the 16th, Jackson of the 2nd and others:

A BILL to be entitled an Act to amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process, so as to change provisions

relating to personal service of a summons on a corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 121. By Senators Ramsey, Sr. of the 43rd, Henson of the 41st, Chance of the 16th, Hill of the 32nd, Carter of the 1st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates for retired members of the General Assembly; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 137. By Senators Jeffares of the 17th, Bethel of the 54th and Jackson of the 24th:

A BILL to be entitled an Act to amend Code Section 48-7-40.1 of the Official Code of Georgia Annotated, relating to tax credits for business enterprises in less developed areas, so as to authorize the commissioner of economic development to designate areas as opportunity zones; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 160. By Senators Ginn of the 47th, Miller of the 49th, Jones of the 25th, Cowser of the 46th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Code Section 13-10-91 of the O.C.G.A., relating to verification of new employee eligibility, applicability, and rules and regulations, so as to provide for an annual report by public employers relative to compliance with certain laws; to amend Code Section 36-60-6 of the O.C.G.A., relating to utilization of federal work authorization program, "employee" defined, issuance of license, evidence of state licensure, annual reporting, standardized form affidavit, violation, and investigations, so as to exempt from such Code section persons who have fully complied in the past; to amend Chapter 36 of Title 50 of the O.C.G.A., relating to verification of lawful presence within the United States, so as to change a certain definition; to repeal conflicting laws; and for other purposes.

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

- HB 143. By Representatives Ralston of the 7th, O'Neal of the 146th, Smyre of the 135th, Jones of the 47th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to change certain provisions relating to disclosure reports; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 407. By Representatives Powell of the 32nd, Hitchens of the 161st, Atwood of the 179th, Rice of the 95th and Taylor of the 173rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of drivers' licenses, and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as a condition of probation, so as to modify and extend provisions related to the mandatory use of ignition interlock devices following a second conviction for driving under the influence of alcohol or drugs; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

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

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

Mr. Speaker:

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

HB 59. By Representatives Taylor of the 79th, Cooke of the 18th and Riley of the 50th:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to require persons and companies licensed to provide alarm monitoring services to utilize alarm verification in order to preserve valuable municipal and county law enforcement and firefighter resources; to provide for exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 903. By Representative Glanton of the 75th:

A RESOLUTION commending the 3rd Battalion 320th Field Artillery Regiment, 3rd Brigade Combat Team, and 101st Airborne Division Air Assault and recognizing the leadership Lieutenant Colonel Shanon J. Mosakowski and Command Sergeant Major Roberto F. Robles; and for other purposes.

HR 904. By Representatives Abrams of the 89th, Frazier of the 126th, Jones of the 53rd and Beasley-Teague of the 65th:

A RESOLUTION congratulating the International Association of Machinists and Aerospace Workers on the occasion of its 125th anniversary; and for other purposes.

HR 905. By Representative Bryant of the 162nd:

A RESOLUTION recognizing and commending Mrs. Louise Baxter for her loyal and faithful service to Fairlawn Baptist Church and the Garden City community; and for other purposes.

HR 906. By Representatives Neal of the 2nd, Greene of the 151st, Kidd of the 145th, Cheokas of the 138th, Buckner of the 137th and others:

A RESOLUTION recognizing and commending Mr. Stan Cooper on the occasion of his retirement; and for other purposes.

HR 907. By Representatives Scott of the 76th, Stovall of the 74th, Douglas of the 78th and Glanton of the 75th:

A RESOLUTION commending Mr. Samuel Bryant, Morrow Middle School's 2012-2013 Teacher of the Year; and for other purposes.

HR 908. By Representatives Martin of the 49th, Geisinger of the 48th, Ralston of the 7th, England of the 116th, Abrams of the 89th and others:

A RESOLUTION honoring the life and memory of Representative Clay Ford; and for other purposes.

HR 909. By Representatives Oliver of the 82nd, Holcomb of the 81st, Mosby of the 83rd, Henson of the 86th and Williams of the 87th:

A RESOLUTION recognizing and commending Chamblee Charter High School and Chamblee Middle School for their outstanding achievements in German language instruction and learning; and for other purposes.

HR 910. By Representative Lumsden of the 12th:

A RESOLUTION commending Joseph Eli Dutton, Chattooga High School's 2013 STAR Student; and for other purposes.

HR 911. By Representative Lumsden of the 12th:

A RESOLUTION commending Jacob Allen Reeves, Trion High School's 2013 STAR Student; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 115. By Representatives Dickson of the 6th, Lindsey of the 54th, Coleman of the 97th and Casas of the 107th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to revise provisions relating to suspension and removal of local school board members under certain circumstances; 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 20 of the Official Code of Georgia Annotated, relating to education, so as to revise provisions relating to suspension and removal of local school board members upon potential loss of accreditation; to prohibit the use of public funds for litigation

expenses relating to such removal proceedings; to provide for statutory construction; to provide for reimbursement of attorney's fees and related expenses under certain conditions; to provide for eligibility for HOPE scholarship for students attending schools which have lost accreditation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-73, relating to suspension and removal of local school board members under certain circumstances, as follows:

"20-2-73.

(a)(4) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the contrary, if a local school system or school is placed on the level of accreditation immediately preceding loss of accreditation for school board governance related reasons by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of Code Section 20-3-519, the local board of education shall notify the State Board of Education in writing within three business days of such placement and the State Board of Education shall conduct a hearing in not less than ten days of such notice nor more than 30 90 days and recommend to the Governor whether to suspend all eligible members of the local board of education with pay. A majority of the members of a local board of education may petition the State Board of Education to continue any hearing scheduled under this subsection. Upon a showing of good cause, the state board may in its sound discretion continue any such hearing. Notwithstanding any other provision of law, deliberations held by the State Board of Education pursuant to this subsection to formulate its recommendation to the Governor shall not be open to the public; provided, however, that testimony shall be taken in an open meeting and a vote on the recommendation shall be taken in an open meeting following the hearing or at the next regularly scheduled meeting. If the State Board of Education makes such recommendation, the Governor may, in his or her discretion, suspend all eligible members of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who shall be otherwise qualified to serve as members of such board.

~~(2) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the contrary, if a local school system or school has been placed on, as of April 20, 2011, the level of accreditation immediately preceding loss of accreditation for school board governance related reasons by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of Code Section 20-3-519 and does not regain full accreditation status by July 1, 2011, the State Board of Education shall conduct a hearing in not less than ten days nor more than 30 days and recommend to the Governor whether to suspend all members of the local board of education with pay. If the State Board of Education makes such recommendation, the Governor may, in his~~

~~or her discretion, suspend all members of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who shall be otherwise qualified to serve as members of such board.~~

(b) Any local board of education member suspended under this Code section may petition the Governor for reinstatement no earlier than 30 days following suspension and no later than 60 days following suspension. In the event that a suspended member does not petition for reinstatement within the allotted time period, his or her suspension shall be converted into permanent removal, and the temporary replacement member shall become a permanent member and serve out the remainder of the term of the removed member.

(c) Upon petition for reinstatement by a suspended local board of education member, the Governor or his or her designated agent shall conduct a hearing for the purpose of receiving evidence relative to whether the local board of education member's continued service on the local board of education is more likely than not to improve the ability of the local school system or school to retain or reattain its accreditation. The appealing member shall be given at least 30 days' notice prior to such hearing. Such hearing shall be held not later than 90 days after the petition is filed and in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the individual conducting the hearing shall have the power to call witnesses and request documents on his or her own initiative. For purposes of said chapter and any hearing conducted pursuant to this Code section, the Governor shall be considered the agency, and the Attorney General or his or her designee shall represent the interests of the Governor in the hearing. If it is determined that it is more likely than not that the local board of education member's continued service on the local board of education improves the ability of the local school system or school to retain or reattain its accreditation, the member shall be immediately reinstated; otherwise, the member shall be permanently removed, and the temporary replacement member shall become a permanent member and serve out the remainder of the term of the removed member or until the next general election which is at least six months after the member was permanently removed, whichever is sooner. Judicial review of any such decision shall be in accordance with Chapter 13 of Title 50.

(d) ~~Paragraph (1) of subsection~~ Subsection (a) of this Code section shall apply to a local school system or school which is placed on the level of accreditation immediately preceding loss of accreditation on or after April 20, 2011.

(e) ~~This Code section shall apply to all local board of education members, regardless of when they were elected or appointed~~ For purposes of this Code section, an eligible member of a local board of education shall mean a board member who was serving on the local board at the time the accrediting agency placed the local school system or school on the level of accreditation immediately preceding loss of accreditation.

(f) A local board of education shall not expend any public funds for attorney's fees or expenses of litigation relating to proceedings initiated pursuant to this Code section except to the extent such fees and expenses are incurred prior to and through the recommendation of the state board as provided for in subsection (a) of this Code

section; provided, however, that nothing in this subsection shall be construed to prohibit an insurance provider from covering attorney's fees or expenses of litigation under an insurance policy.

(g) Any suspended board member who is reinstated by the Governor pursuant to this Code section may be reimbursed by the local board of education for his or her reasonable attorney's fees and related expenses incurred in pursuing such reinstatement."

SECTION 2.

Said title is further amended in Code Section 20-3-519, relating to definitions relative to HOPE scholarships and grants, by revising paragraph (6) as follows:

"(6) 'Eligible high school' means a public or private secondary school which is:

(A) Located in Georgia and accredited as such by:

- (i) The Southern Association of Colleges and Schools;
- (ii) The Georgia Accrediting Commission;
- (iii) The Georgia Association of Christian Schools;
- (iv) The Association of Christian Schools International;
- (v) The Georgia Private School Accreditation Council; or
- (vi) The Southern Association of Independent Schools;

provided, however, that between July 1, 2013, and June 30, 2015, if a high school located in Georgia was accredited by one of the accrediting agencies included in this subparagraph within the previous two years, such high school shall be considered an eligible high school for purposes of this subparagraph; or

(B) Located in another state and accredited by one of the following regional agencies:

- (i) The Southern Association of Colleges and Schools;
- (ii) The New England Association of Schools and Colleges;
- (iii) The Middle States Association of Colleges and Schools;
- (iv) The North Central Association of Colleges and Schools;
- (v) The Northwestern Association of Schools and Colleges;
- (vi) The Western Association of Schools and Colleges;
- (vii) The Alabama Independent School Association; or
- (viii) The Southern Association of Independent Schools."

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.

Representative Dickson of the 6th moved that the House agree to the Senate substitute to HB 115.

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

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

On the motion, the ayes were 122, nays 45.

The motion prevailed.

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

SB 104. By Senators Ginn of the 47th, Jeffares of the 17th, Albers of the 56th, Carter of the 42nd, Miller of the 49th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community

Affairs, so as to revise the minimum elements addressed and included in comprehensive plans of local governments; to remove the requirement for certain findings with regard to projects of regional importance or impact; to remove certain limitations on actions by counties or municipalities with regard to local plans; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Stephens of the 164th offers the following amendment:

Amend SB 104 (LC 28 6533) by inserting after "impact;" on line 4 "to provide for certain reports;" and by inserting after "commission." on line 67 "A report shall be prepared and submitted to the regional commission council, including potential impacts of the proposed development of regional impact. The report shall be made available to the local governments in the region and on the website of the regional commission."

The following amendment was read and ruled not germane:

Representative Welch of the 110th offers the following amendment:

Amend SB 104 (LC 28 6533) by replacing line 1 with the following:

To amend Code Section 36-33-5 of the Official Code of Georgia Annotated, relating to ante litem notice for municipalities, so as to provide that such notices shall specify the amount of damages sought; to provide for service of such notices; to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the

By inserting between lines 8 and 9 the following:

Code Section 36-33-5 of the Official Code of Georgia Annotated, relating to ante litem notice for municipalities, is amended by revising subsection (a) and adding two new Code sections to read as follows:

"(a) No person, firm, or corporation having a claim for money damages against any municipal corporation on account of injuries to person or property shall bring any action against the municipal corporation for such injuries, without first giving notice as provided in ~~subsection (b)~~ of this Code section."

"(e) The description of the extent of the injury required in subsection (b) of this Code section shall include the specific amount of monetary damages being sought from the municipal corporation. The amount of monetary damages set forth in such claim shall constitute an offer of compromise. In the event such claim is not settled by the municipal corporation and the claimant litigates such claim, the amount of monetary damage set forth in such claim shall not be binding on the claimant.

(f) A claim submitted under this Code section shall be served upon the mayor or the chairperson of the city council or city commission, as the case may be, by delivering

the claim to such official personally or by certified mail or statutory overnight delivery."

SECTION 1A.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
N Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	N Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	E Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	N Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	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	Y 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	Y 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
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 169, nays 7.

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

SB 242. By Senators Hill of the 6th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 36-42-8 of the Official Code of Georgia Annotated, relating to powers of downtown development authorities generally, so as to provide that downtown development authorities may undertake projects regarding reducing energy or water consumption on property or installing an improvement to property that produces energy from renewable resources within the territorial boundaries of the municipality; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representative Quick of the 117th was excused from voting on SB 242.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	E Hill	Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	N Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	Y Ehrhart	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	Y 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	Quick	Y Thomas, B
Y Buckner	Y Fleming	Y 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
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon

Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
N Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Sheldon	Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 165, nays 3.

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

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

HB 122. By Representatives Tanner of the 9th, Harrell of the 106th, Powell of the 171st, Hamilton of the 24th, Golick of the 40th and others:

A BILL to be entitled an Act to amend Code Section 42-1-14 of the O.C.G.A., relating to risk assessment classification, classification as "sexually dangerous predator," and electronic monitoring of sexual offenders; Code Section 42-9-53, relating to preservation of documents, classification of information and documents, divulgence of confidential state secrets, and conduct of hearings; and Code Section 35-3-4, relating to powers and duties of the Georgia Bureau of Investigation, so as to authorize the Sexual Offender Registration Review Board to review and utilize records of the Board of Pardons and Paroles in making its assessments; to maintain confidentiality of records of the Board of Pardons and Paroles; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend HB 122 (LC 29 5438S) by inserting after the semicolon on line 8 the following:
to amend Code Section 42-5-36 of the Official Code of Georgia Annotated, relating to confidentiality of information supplied by inmates and custodians of records of the department, so as to provide for confidentiality of records of the State Board of Pardons and Paroles; to provide for confidentiality of information relating to the execution of a death sentence;

By inserting between lines 47 and 48 the following:

SECTION 1A.

Code Section 42-5-36, relating to confidentiality of information supplied by inmates and custodians of records of the department, is amended by designating subsection (d) as subsection (e) and by adding a new subsection (d) to read as follows:

"(d)(1) As used in this subsection, the term 'identifying information' means any records or information that reveals a name, residential or business address, residential or business telephone number, day and month of birth, social security number, or professional qualifications.

(2) The identifying information of any person or entity who participates in or administers the execution of a death sentence and the identifying information of any person or entity that manufactures, supplies, compounds, or prescribes the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence shall be confidential and shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50 or under judicial process. Such information shall be classified as a confidential state secret."

Representative Tanner of the 9th moved that the House agree to the Senate amendment to HB 122.

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

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

Y Chapman	N Glanton	Y Lumsden	N Scott	N Williams, A
Y Cheokas	Y Golick	N Mabra	Y Setzler	Y Williams, C
Y Clark, J	N Gordon	N Marin	N Sharper	N Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	N Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 117, nays 60.

The motion prevailed.

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

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

The following Senate substitute was read:

**A BILL TO BE ENTITLED
AN ACT**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs, is amended by revising Code Section 20-2-157, relating to uniform reporting system for certain purposes and academic eligibility requirements to receive HOPE scholarship, as follows:

"20-2-157.

(a) It is the intent of the General Assembly to establish a uniform reporting system to be used as one of the criteria to determine eligibility of students seeking educational

scholarships, grants, or loan assistance administered by the Georgia Student Finance Commission pursuant to Article 7 of Chapter 3 of this title.

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

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

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

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

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

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

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

Grades for coursework that is classified as advanced placement, a dual credit course, or international baccalaureate shall be weighted uniformly by the Georgia Student Finance Commission in calculating the overall grade point averages for students,

provided that the weighting of such course grades is uniformly applied to all students in ~~the~~ this state taking the specified coursework. The sum of the equated grades shall be divided by the number of course grades, adjusted for term length, to yield a grade point average on a 4.0 scale;

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

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

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

(2) Each school system and private school shall transmit to the Georgia Student Finance Commission, in such manner and at such times as the commission may prescribe, an electronic transcript of courses and course grades for each freshman, sophomore, and junior high school student that reflects the complete high school academic record of the student, including scores on any state tests required for

graduation, the grading scales used by the school system or private school for the time periods referenced by the transcripts, and any other pertinent information as determined by the Georgia Student Finance Commission. Each grade reported by a school system or private school to the commission for the purpose of calculating the grade point average for potential HOPE scholarship eligibility shall be the actual grade earned by the student with no weighting or addition of points by the school system or private school.

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

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

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

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

(3) Advanced placement courses in core subjects;

(3.1) Dual credit courses in core subjects;

(4) International baccalaureate courses in core subjects;

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

(6) Advanced foreign language courses.

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

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

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

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

(3) Advanced placement courses in core subjects;

(3.1) Dual credit courses in core subjects;

(4) International baccalaureate ~~courses~~ in core subjects;

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

(6) Advanced foreign language courses.

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

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

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

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

SECTION 2.

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

Representative Clark of the 101st moved that the House agree to the Senate substitute to HB 131.

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	E Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	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	Y 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	Y 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
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 174, nays 1.

The motion prevailed.

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

Mr. Speaker:

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

HB 475. By Representatives Pak of the 108th, Ramsey of the 72nd, Rice of the 95th, Stephens of the 164th, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to authorize the commissioner of driver services to enter into reciprocal agreements on behalf of Georgia for the recognition of drivers' licenses issued by foreign territories; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 197. By Representatives Powell of the 171st, England of the 116th, Burns of the 159th, Peake of the 141st, Black of the 174th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for taxation of land subject to a forest land conservation use covenant; to provide for a performance review board to be appointed by the revenue commissioner; to change certain criteria relating to current use of conservation use property; to provide for penalties for violations; to provide for valuation of property while an appeal of the assessment is in process; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for a revision of the requirements for land that is classified as bona fide conservation use property; to provide for changes to requirements for land subject to a forest land conservation use covenant; to provide for a performance review board to be appointed by the revenue commissioner; to change certain criteria relating to current use of conservation use property; to provide for penalties for violations; to provide for valuation of property while an appeal of the assessment is in process; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended in paragraph (1) of subsection (a) of Code Section 48-5-7.4, relating to bona fide conservation use property, by deleting "and" at the end of division (v) of subparagraph (D), by replacing "or" with "and" at the end of division (iv) of subparagraph (E), and by adding a new subparagraph to read as follows:

"(F) The primary purpose described in this paragraph includes land conservation and ecological forest management in which commercial production of wood and wood fiber products may be undertaken primarily for conservation and restoration purposes rather than financial gain; or"

SECTION 2.

Said chapter is further amended by revising subsections (b), (c), (f), (i), (j), and (m) of Code Section 48-5-7.7, relating to the "Georgia Forest Land Protection Act of 2008," as follows:

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

(1) 'Contiguous' means real property within a county that abuts, joins, or touches and has the same undivided common ownership. If an applicant's tract is divided by a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track, then the applicant has, at the time of the initial application, a one-time election to declare the tract as contiguous irrespective of a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track.

(2) 'Forest land conservation use property' means forest land each tract of which consists of more than 200 acres of tangible real property of an owner subject to the following qualifications:

(A) Such property must be owned by an individual or individuals or by any entity registered to do business in this state;

(B) Such property excludes the entire value of any residence and its underlying land located on the property; as used in this subparagraph, the term 'underlying land' means the minimum lot size required for residential construction by local zoning ordinances or two acres, whichever is less. This provision for excluding the underlying land of a residence from eligibility in the conservation use covenant shall only apply to property that is first made subject to such a covenant, or is subject to a renewal of a previous conservation use covenant, on or after January 1, 2014;

(C) Such property has as its primary use the good faith subsistence or commercial production of trees, timber, or other wood and wood fiber products from or on the land. Such primary use includes land conservation and ecological forest management in which commercial production of wood and wood fiber products may be undertaken primarily for conservation and restoration purposes rather than financial gain. Such property may, in addition, have one or more of the following secondary uses:

(i) The promotion, preservation, or management of wildlife habitat;

(ii) Carbon sequestration in accordance with the Georgia Carbon Sequestration Registry;

(iii) Mitigation and conservation banking that results in restoration or conservation of wetlands and other natural resources; or

(iv) The production and maintenance of ecosystem products and services, such as, but not limited to, clean air and water.

'Forest land conservation use property' may include, but is not be limited to, land that has been certified as environmentally sensitive property by the Department of Natural Resources or which is managed in accordance with a recognized sustainable forestry certification program, such as the Sustainable Forestry Initiative, Forest Stewardship

Council, American Tree Farm Program, or an equivalent sustainable forestry certification program approved by the State Forestry Commission.

(3) 'Qualified owner' means any individual or individuals or any entity registered to do business in this state.

(4) 'Qualified property' means forest land conservation use property as defined in this subsection.

(5) 'Qualifying purpose' means a use that meets the qualifications of subparagraph (C) of paragraph (2) of this subsection.

(c) The following additional rules shall apply to the qualification of forest land conservation use property for conservation use assessment:

(1) All contiguous forest land conservation use property of an owner within a county for which forest land conservation use assessment is sought under this Code section shall be in a single covenant unless otherwise required under subsection (e) of this Code section;

(2) When one-half or more of the area of a single tract of real property is used for the qualifying purpose, then the entirety of such tract shall be considered as used for such qualifying purpose unless some other type of business is being operated on the portion of the tract that is not being used for a qualifying purpose; provided, however, that such other portion must be minimally managed so that it does not contribute significantly to erosion or other environmental or conservation problems or must be used for one or more secondary purposes specified in subparagraph (b)(2)(C) of this Code section. The following uses of real property shall not constitute using the property for another type of business:

(A) The lease of hunting rights or the use of the property for hunting purposes; shall not constitute another type of business.

(B) The charging of admission for use of the property for fishing purposes; shall not constitute another type of business.

(C) The production of pine straw shall not constitute another type of business or native grass seed; and

(D) The granting of easements solely for ingress and egress; and

(E) Any type of business devoted to secondary uses listed under subparagraph (b)(2)(C) of this Code section; and

(3) No otherwise qualified forest land conservation use property shall be denied conservation use assessment on the grounds that no soil map is available for the county or counties, if applicable, in which such property is located; provided, however, that if no soil map is available for the county or counties, if applicable, in which such property is located, the board of tax assessors shall use the current soil classification applicable to such property."

"(f)(1) A qualified owner shall not be authorized to make application for and receive conservation use assessment under this Code section for any property which at the time of such application is receiving preferential assessment under Code Section 48-5-7.1 or current use assessment under Code Section 48-5-7.4; provided, however, that if any property is subject to a covenant under either of those Code sections, it may be

changed from such covenant and placed under a covenant under this Code section if it is otherwise qualified. Any such change shall terminate the existing covenant and shall not constitute a breach thereof. No property may be changed more than once under this ~~subsection~~ paragraph.

(2) Any property that is subject to a covenant under this Code section and subsequently fails to adhere to the qualifying purpose, as defined in paragraph (5) of subsection (b) of this Code section, may be changed from the covenant under this Code section and placed under a covenant provided for in Code Section 48-5-7.4 if the property otherwise qualifies under the provisions of that Code section. In such a case, the existing covenant under this Code section shall be terminated, and the change shall not constitute a breach thereof. No property may be changed more than once under this paragraph."

"(i)(1) If ownership of all or a part of ~~the~~ a forest land conservation use property ~~constituting at least 200 acres~~ is acquired during a covenant period by another qualified owner ~~qualified to enter into an original forest land conservation use covenant~~, then the original covenant may be continued only by both such acquiring owner and the transferor for the remainder of the term, in which event, no breach of the covenant shall be deemed to have occurred if the total size of a tract from which the transfer was made is reduced below 200 acres or the size of the tract transferred is less than 200 acres. Following the expiration of the original covenant, no new covenant shall be entered with respect to ~~the either~~ tract ~~from which the transfer was made~~ unless such tract exceeds 200 acres. If a qualified owner has entered into an original forest land conservation use covenant and subsequently acquires additional qualified property contiguous to the property in the original covenant, the qualified owner may elect to enter the subsequently acquired qualified property into the original covenant for the remainder of the 15 year period of the original covenant; provided, however, that such subsequently acquired qualified property shall be less than 200 acres.

(2) If, following such transfer, a breach of the covenant occurs by the acquiring owner, the penalty and interest shall apply to the entire transferred tract and shall be paid by the acquiring owner who breached the covenant. In such case, the covenant shall terminate on such entire transferred tract but shall continue on such entire remaining tract from which the transfer was made and on which the breach did not occur for the remainder of the original covenant.

(3) If, following such transfer, a breach of the covenant occurs by the transferring owner, the penalty and interest shall apply to the entire remaining tract from which the transfer was made and shall be paid by the transferring owner who breached the covenant. In such case, the covenant shall terminate on such entire remaining tract from which the transfer was made but shall continue on such entire transferred tract and on which the breach did not occur for the remainder of the original covenant.

(j)(1) For each taxable year beginning on or after January 1, ~~2010~~ 2014, all applications for conservation use assessment under this Code section, including any forest land covenant required under this Code section, shall be filed on or before the

~~last day for filing ad valorem tax returns in each county in which the property is located for the tax year for which such forest land conservation use assessment is sought, except that in the case of property which is the subject of a reassessment by the board of tax assessors an application for forest land conservation use assessment may be filed in conjunction with or in lieu of an appeal of the reassessment~~ appeals of the annual notice of assessment except that in the case of property which is the subject of a tax appeal of the annual notice of assessment under Code Section 48-5-311, an application for forest land conservation use assessment may be filed at any time while such appeal is pending. An application for continuation of such forest land conservation use assessment upon a change in ownership of all or a part of the qualified property shall be filed on or before the last date for filing tax returns in the year following the year in which the change in ownership occurred. Applications for forest land conservation use assessment under this Code section shall be filed with the county board of tax assessors in which the property is located who shall approve or deny the application. Such county board of tax assessors shall file a copy of the approved covenant in the office of the clerk of the superior court in the county in which the eligible property is located. The clerk of the superior court shall file and index such covenant in the real property records maintained in the clerk's office. If the covenant is not so recorded in the real property records, a transferee of the property affected shall not be bound by the covenant or subject to any penalty for its breach. The fee of the clerk of the superior court for recording such covenants shall be paid by the qualified owner of the eligible property with the application for forest land conservation use assessment under this Code section and shall be paid to the clerk by the board of tax assessors when the application is filed with the clerk. If the application is denied, the board of tax assessors shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees advanced by the owner. Appeals from the denial of an application or covenant by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(2) In the event such application is approved, the qualified owner shall continue to receive annual notification of any change in the forest land fair market value of such property, and any appeals with respect to such valuation shall be made in the same manner as other property tax appeals are made pursuant to Code Section 48-5-311."

"(m)(1) A penalty shall be imposed under this subsection if during the period of the covenant entered into by a qualified owner the covenant is breached.

(2) Except as provided in subsection (i) of this Code section and paragraph (4) of this subsection, the penalty shall be applicable to the entire tract which is the subject of the covenant, ~~and:~~

~~(A) If breached during years one through five, shall for each covenant year beginning with year one be three times the difference between the total amount of tax paid pursuant to conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the covenant period;~~

~~(B) If breached during years six through ten, shall for each covenant year beginning with year one be two and one half times the difference between the total amount of tax paid pursuant to conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each year or partially completed year of the covenant period; and~~

~~(C) If breached during years 11 through 15, shall for each covenant year beginning with year one be twice the difference between the total amount of tax paid pursuant to conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed year or partially completed year of the covenant period.~~

(3) ~~Any such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached. The penalty shall be twice the difference between the total amount of the tax paid pursuant to the conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the covenant period. Any such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.~~

(4) If ownership of a portion of the land subject to the original covenant constituting at least 200 acres is transferred to another owner qualified to enter into an original forest land conservation use covenant in a bona fide arm's length transaction and breach subsequently occurs, then the penalty shall either be assessed against the entire remaining tract from which the transfer was made or the entire transferred tract, on whichever the breach occurred. The calculation of penalties in paragraph ~~(2)~~ (3) of this subsection shall be used except that the penalty amount resulting from such calculation shall be multiplied by the percentage which represents the acreage of such tract on which the breach occurs to the original covenant acreage. The resulting amount shall be the penalty amount owed by the owner of such tract of land on which the breach occurred."

SECTION 3.

Said chapter is further amended by revising Code Section 48-5-295.1, relating to the performance review board, as follows:

"48-5-295.1.

(a) The county governing authority may, upon adoption of a resolution, request that a performance review of the county board of tax assessors be conducted. Such resolution shall be transmitted to the commissioner who shall appoint an independent performance review board within 30 days after receiving such resolution. The commissioner shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the department and two of whom shall be ~~assessors or chief appraisers, provided that neither chief appraiser shall be who are not members of the board or a chief appraiser for the county under review.~~

(b) It shall be the duty of a performance review board to make a thorough and complete investigation of the county board of tax assessors with respect to all actions of

the county board of tax assessors and appraisal staff regarding the technical competency of appraisal techniques and compliance with state law and regulations, including the Property Tax Appraisal Manual. The performance review board shall issue a written report of its findings to the commissioner and the county governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate. The county governing authority shall reimburse the members of the performance review board for reasonable expenses incurred in the performance of their duties, including mileage, meals, lodging, and costs of materials.

(c) The findings of the report of the review board under subsection (b) of this Code section or of any audit performed by the Department of Revenue at the request of the Governor may be grounds for removal of one or more members of the county board of tax assessors pursuant to subsection (b) of Code Section 48-5-295.

(d) The commissioner shall promulgate such rules and regulations as may be necessary for the administration of this Code section."

SECTION 4.

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

"48-5-295.2.

(a) The commissioner shall appoint an independent performance review board if he or she determines, through the examination of the digest for any county in a digest review year pursuant to Code Section 48-5-342, that there is evidence which calls into question the technical competence of appraisal techniques and compliance with state law and regulations, including the Property Tax Appraisal Manual, with respect to the conservation use value of forest land.

(b) The commissioner shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the department and two of whom shall be chief appraisers, provided that neither chief appraiser shall be a chief appraiser for the county under review.

(c) The performance review board shall issue a written report of its findings to the commissioner and the county governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate. The county governing authority shall reimburse the members of the performance review board for reasonable expenses incurred in the performance of their duties, including mileage, meals, lodging, and costs of materials.

(d) The findings of the report of the review board under subsection (c) of this Code section or of any audit performed by the Department of Revenue or the Department of Audits shall be grounds for the state to withhold local assistance grants pursuant to Code Section 48-5A-3; provided, however, that any portion of a local assistance grant designated for use by a board of education of any political subdivision shall not be withheld pursuant to this subsection. If the findings in the report of the performance review board indicate that the provisions of paragraph (6) of Code Section 48-5-2 have been knowingly violated by a local government in order to receive a larger local assistance grant than allowed by law, then the most recent local assistance grant

requested by the local government shall be withheld by the Department of Revenue. For a second or subsequent offense, the next two requests for local assistance grants shall be withheld by the Department of Revenue.

(e) The commissioner shall promulgate such rules and regulations as may be necessary for the administration of this Code section."

SECTION 5.

Said chapter is further amended by revising division (e)(6)(D)(iii) of Code Section 48-5-311, relating to county boards of equalization and review of assessments, as follows:

"(iii)(I) If the county's tax bills are issued before the county board of equalization has rendered its decision on property which is on appeal, the county board of tax assessors shall specify to the county tax commissioner the ~~higher of the taxpayer's return valuation or 85 percent of the current year's valuation as set by the county board of tax assessors.~~ lesser of the valuation in the year preceding the year in which the appeal was filed or 85 percent of the current year's value, unless the property in issue has been issued a building permit and structural improvements have occurred, or structural improvements have been made without a building permit, in which case, it shall specify 85 percent of the current year's valuation as set by the county board of assessors. Depending on the circumstances of the property, this This amount shall be the basis for a temporary tax bill to be issued; provided, however, that the taxpayer may elect to pay the temporary tax bill in the amount of 100 percent of the current year's valuation if no property improvement has occurred. The county tax commissioner shall have the authority to adjust such tax bill to reflect the 100 percent value as requested by the taxpayer. Such tax bill shall be accompanied by a notice to the taxpayer that the bill is a temporary tax bill pending the outcome of the appeal process. Such notice shall also indicate that upon resolution of the appeal, there may be additional taxes due or a refund issued.

(II) ~~If the final determination of the value on appeal is less than the valuation thus used, the taxpayer shall receive a deduction in such taxpayer's taxes for the year in question. Such deduction shall be refunded to the taxpayer and shall include interest on the amount of such deduction at the same rate as specified in Code Section 48-2-35 which shall accrue from November 15 of the taxable year in question or the date the final installment of the tax was due or was paid, whichever is later. In no event shall the amount of such interest exceed \$150.00. For the purposes of this Code section, any final value that causes a deduction in taxes and creates a refund that is owed to the taxpayer shall be paid by the tax commissioner to the taxpayer, entity, or transferee who paid the taxes within 60 days from the date of the final determination of value. Such refund shall include interest on the amount of the deduction at the same rate specified in Code Section 48-2-35 which shall accrue from November 15 of the taxable year in question or the date the final installment was due or was paid, whichever is later, through to the date paid or 60 days from the date of the final determination,~~

whichever is earlier. In no event shall the amount of such interest exceed \$150.00 for homestead property or \$5,000.00 for nonhomestead property. Any refund paid after the sixtieth day shall accrue interest from the sixty-first day until paid with interest at the same rate specified in Code Section 48-2-35. The interest accrued after the sixtieth day and forward shall not be subject to the limits imposed by this subsection. The tax commissioner shall pay the tax refund and any interest for the refund from current collections in the same proportion for each of the levying authorities for whom the taxes were collected.

~~(III) If the final determination of value on appeal is greater than the valuation thus used, the taxpayer shall be liable for the increase in taxes for the year in question due to the increased valuation fixed on appeal with interest at the rate as specified in Code Section 48-2-35. Such interest shall accrue from November 15 of the taxable year in question or the date the final installment of the tax was due to the date the additional taxes are remitted, but in no event shall the amount of such interest exceed \$150.00. For the purposes of this Code section, any final value that causes an increase in taxes and creates an additional billing shall be paid to the tax commissioner as any other tax due along with interest as specified in Code Section 48-2-35. The tax commissioner shall adjust the tax bill, including interest, within 15 days from the date of the final determination of value and mail the adjusted bill to the taxpayer. Such interest shall accrue from November 15 of the taxable year in question or the final installment of the tax was due through to the date the bill was adjusted and mailed or 15 days from the date of the final determination, whichever is earlier. The interest computed on the additional billing shall in no event exceed \$150.00 for homestead property or \$5,000.00 for nonhomestead property. After the tax bill notice has been mailed out, the taxpayer shall be afforded 60 days from the date of the postmark to make full payment of the adjusted bill and interest. Once the 60 day payment period has expired, the bill shall be considered past due, and interest shall accrue as specified in Code Section 48-2-40 without limit until the bill is paid in full. Once past due, all other fees, penalties, late charges, and collection notices shall apply as prescribed in this chapter for the collection of delinquent taxes."~~

SECTION 6.

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

Representative Powell of the 171st moved that the House agree to the Senate substitute to HB 197.

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

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

Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	Y Ehrhart	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	Y 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	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 175, nays 1.

The motion prevailed.

HB 315. By Representatives Cooper of the 43rd, Clark of the 101st, Rynders of the 152nd, Kaiser of the 59th, Jones of the 53rd and others:

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to implement measures to ensure the integrity and quality of nursing professionals; to provide for continuing competency requirements as a requirement for license renewal for registered professional nurses and licensed practical nurses; to provide for inactive licenses for registered professional nurses; to require mandatory reporting for nurses; to provide for definitions; to provide for enforcement; to provide for limited liability; to amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to massage therapy practice, so as to revise provisions relating to provisional permits to practice massage therapy; to provide for related matters; to provide for effective dates and contingent effectiveness; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by revising Code Section 43-26-9, relating to renewal, surrender, failure to renew, and restoration and reissuance of a license, as follows:

"43-26-9.

(a) Licenses issued under this article shall be renewed biennially according to schedules and fees approved by the board.

(b) A renewed license shall be issued to a registered professional nurse or licensed undergraduate nurse who remits the required fee and complies with requirements established by the board.

(b.1) Beginning with the 2016 license renewal cycle, an applicant for license renewal under this article shall meet one of the following continuing competency requirements during the previous licensure period:

(1) Completion of 30 continuing education hours by a board approved provider;

(2) Maintenance of certification or recertification by a national certifying body recognized by the board;

(3) Completion of an accredited academic program of study in nursing or a related field, as recognized by the board;

(4) Verification of competency by a health care facility or entity licensed under Chapter 7 of Title 31 or by a physician's office that is part of a health system and at least 500 hours practiced as evidenced by employer certification on a form approved by the board; or

(5) Other activities as prescribed and approved by the board that show competency in the nursing field.

Failure to meet the minimum continuing competency requirement for renewal of a license shall be grounds for denial of a renewal application. The board may waive or modify the requirements contained in this subsection in cases of hardship, disability, or illness or under such other circumstances as the board, in its discretion, deems appropriate. An applicant who is renewing a license for the first time shall not be

required to meet the requirements of this subsection until the time of the second renewal if the applicant's initial license period is six months or less.

(c) The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of said license, subject to reinstatement at the discretion of the board. The board may restore and reissue a license and, as a condition thereof, may impose any disciplinary sanction provided by Code Section 43-1-19 or 43-26-11 or Code Section 43-1-19."

SECTION 2.

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

"43-26-9.1.

(a) A registered professional nurse, subject to rules of the board and on forms prescribed by the board, may request that his or her license be placed on inactive status and to be excused from payment of renewal fees until he or she resumes active status.

(b) A licensee on inactive status may have his or her license restored by submitting an application to the board on a form prescribed by the board and paying the required restoration fee. The board shall require evidence of competency to resume the practice of nursing as a registered professional nurse in order to restore the license to active status.

(c) A registered professional nurse or advanced practice registered nurse whose license is on inactive status shall not practice nursing as a registered professional nurse or an advanced practice registered nurse in this state."

SECTION 3.

Said chapter is further amended by revising Code Section 43-26-39, relating to license renewal, voluntary surrender, application for reinstatement, and temporary permits, as follows:

"43-26-39.

(a) Licenses issued under this article shall be renewed biennially prior to the expiration of the license according to schedules and fees decided by the board and approved by the division director.

(b) A license shall be renewed for any licensed practical nurse who remits the required fee and complies with the requirements established by the board.

(b.1) Beginning with the 2016 license renewal cycle, an applicant for license renewal under this article shall meet one of the following continuing competency requirements during the previous licensure period:

(1) Completion of 20 continuing education hours by a board approved provider; or

(2) Completion of an accredited academic program of study in registered professional nursing, as recognized by the board.

Failure to meet the minimum continuing competency requirement for renewal of a license shall be grounds for denial of a renewal application. The board may waive or modify the requirements contained in this subsection in cases of hardship, disability, or illness or under such other circumstances as the board, in its discretion, deems

appropriate. An applicant who is renewing a license for the first time shall not be required to meet the requirements of this subsection until the time of the second renewal if the applicant's initial license period is six months or less.

(c) The voluntary surrender of a license or the failure to renew a license by the end of an established renewal period shall have the same effect as revocation of said license, subject to reinstatement at the discretion of the board. The board may restore and reissue a license; and, as a condition thereof, may impose any disciplinary sanction provided by Code Section 43-1-19 upon such grounds as specified in Code Sections 43-1-19 and 43-26-40.

(d) Any license that is not renewed by the end of the renewal period may not thereafter be renewed, and the licensee must apply for reinstatement. Applicants for reinstatement who have not been engaged in the active practice of practical nursing as licensed practical nurses for a period which exceeds five years shall be required to obtain such additional education and training as provided in the rules and regulations of the board, which may include, but not be limited to, returning to school for full training and taking the licensing examination. Upon completion of the program, an application may be made for licensure as a new applicant.

(e) The board may issue a temporary permit to qualified applicants under such terms and conditions as specified in the rules and regulations of the board, but in no event shall such a temporary permit be issued to an applicant who has failed to pass the required examination.

(f) Other criteria for reinstatement may be determined by the rules of the board, including, but not limited to, ~~the following:~~ additional coursework, a refresher course, supervised clinical practice, or examination by the board."

SECTION 4.

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

"ARTICLE 3

43-26-50.

As used in this article, the term:

(1) 'Board' means the Georgia Board of Nursing, with respect to registered professional nurses and advanced practice registered nurses, and the Georgia Board of Examiners of Licensed Practical Nurses, with respect to licensed practical nurses.

(2) 'Nurse' means a registered professional nurse licensed pursuant to Article 1 of this chapter, an advanced practice registered nurse, as defined in paragraph (1.1) of Code Section 43-26-3, or a licensed practical nurse licensed pursuant to Article 2 of this chapter.

43-26-51.

A nurse shall report names of subject individuals to the applicable board if the nurse has reasonable cause to believe that any other nurse has violated any of the grounds for

discipline provided for in Code Section 43-26-53. A nurse need not duplicate a report if he or she has reasonable cause to believe that such report has been made to the applicable board. A licensed health care professional shall not be required to report a nurse to the board under this Code section as a result of professional knowledge obtained in the course of the health care professional-patient relationship when the nurse is the patient.

43-26-52.

(a) Hospitals, nursing homes, temporary staffing agencies, and other employers of registered professional nurses, advanced practice registered nurses, or licensed practical nurses shall report to the applicable board, or ensure that such report has in fact been made to such board, the name of any nurse whose employment has been terminated or who has resigned in order to avoid termination for any reasons stipulated in Code Section 43-26-53.

(b) A state agency that licenses, registers, or certifies hospitals, nursing homes, home health agencies, or other types of health care facilities, or surveys one of these facilities or agencies, shall report to the applicable board when such state agency has evidence that a nurse has violated Code Section 43-26-53 or ensure that such a report has in fact been made to such board.

(c) In the event a nurse enters a voluntary alternative to discipline program approved by the board, reporting to the applicable board shall not be required for such nurse by a person under this Code section. Each board may approve alternative to discipline programs for monitoring of nurses who agree to seek treatment for impairment by chemical dependency or mental illness that could lead to disciplinary action by such board. The costs for any treatment programs shall be borne by the nurse.

(d) Each board shall inform, in the manner such board determines appropriate, nurses, facilities, agencies, and other persons of their duty to report under this article.

43-26-53.

(a) The following incidents shall be reported to the applicable board in the event any person is:

(1) Practicing nursing as a registered professional nurse, an advanced practice registered nurse, or a licensed practical nurse, without a valid, current license, except as otherwise permitted under Code Section 43-26-12 or 43-26-41, as applicable;

(2) Practicing nursing as a registered professional nurse, an advanced practice registered nurse, or a licensed practical nurse under cover of any diploma, license, or record illegally or fraudulently obtained, signed, or issued;

(3) Practicing nursing as a registered professional nurse, an advanced practice registered nurse, or a licensed practical nurse during the time the applicable license is suspended, revoked, surrendered, or administratively revoked for failure to renew;

(4) Using any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse, an advanced practice registered nurse, or a licensed practical nurse unless such person is duly licensed or

recognized by the applicable board to practice as such under the provisions of this chapter;

(5) Fraudulently furnishing a license to practice nursing as a registered professional nurse, an advanced practice registered nurse, or a licensed practical nurse;

(6) Knowingly aiding or abetting any person in violating this chapter;

(7) While holding a license as a nurse, convicted of any felony, crime involving moral turpitude, or crime violating a federal or state law relating to controlled substances or dangerous drugs in the courts of this state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to the charge; or

(8) While holding a license as a nurse, currently or previously displaying an inability to practice nursing as a registered professional nurse, an advanced practice registered nurse, a licensed undergraduate nurse, or a licensed practical nurse with reasonable skill and safety due to use of alcohol, drugs, narcotics, or chemicals.

(b) Minor incidents, as defined by the applicable board, shall not be required to be reported pursuant to this article when the continuing practice by the subject nurse does not pose a risk of harm to a patient or others and can be addressed through corrective action by the nurse's employer. The applicable board shall adopt rules governing reporting of minor incidents. The applicable board may evaluate a complaint and determine that it is a minor incident under this Code section.

43-26-54.

The applicable board may seek an order from a court of competent jurisdiction for a report from a nurse as required by Code Section 43-26-51 if one is not forthcoming voluntarily. The applicable board may seek a citation for civil contempt if a court order for a report is not obeyed by such nurse.

43-26-55.

(a) No nurse, hospital, nursing home, temporary staffing agency, employer, state agency, or other person required to report a nurse to the applicable board under this article, who, in good faith, either reports or fails to report, shall be subject to civil or criminal liability or discipline for unprofessional conduct for such action or inaction.

(b) A physician or other licensed health care professional who, at the request of the applicable board, examines a nurse shall be immune from suit for damages by the nurse examined if the examining physician or examining health care professional conducted the examination and made findings or diagnoses in good faith."

SECTION 4A.

Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to massage therapy practice, is amended by revising Code Section 43-24A-9, relating to provisional permits, as follows:

"43-24A-9.

(a) A provisional permit to practice as a provisionally permitted massage therapist shall, upon proper application, be issued for a six-month period to an applicant who meets the following criteria:

- (1) Holds a valid license as a massage therapist in another state;
- (2) Is not a resident of this state as confirmed in a secure and verifiable document, as defined in Code Section 50-36-2;
- (3) Has not had a license or permit to practice as a massage therapist voided, revoked, suspended, or annulled by this state or another state; and
- (4) Has not been convicted of a felony in the courts of this state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to such charge or the affording of first offender treatment to any such charge.

(b) A provisional permit shall require the applicant to work under the supervision of a licensed massage therapist ~~as provided by the board. The board shall be authorized to promulgate rules and regulations regarding the requirements for such supervision and the enforcement thereof.~~ If an applicant has met the requirements of subsection (a) of this Code section and submits the applicable license fee, the applicant shall be granted a provisional permit to practice in this state. Upon receipt of such application and fee, a provisional permit shall be administratively issued.

(c) A provisional permit may be voided if the board determines that the person holding such permit no longer meets one or more of the criteria set forth in subsection (a) of this Code section.

(d) A provisional permit issued pursuant to subsection (a) of this Code section shall have the same force and effect as a permanent license until the time of its expiration.

(e) A provisional permit issued pursuant to subsection (a) of this Code section shall expire on the same date as a license issued under this chapter to a holder of a provisional permit who has passed the examination pursuant to Code Section 43-24A-8."

SECTION 5.

Section 4 of this Act shall become effective only when funds are specifically appropriated for purposes of Section 4 of this Act in an appropriations Act. All other provisions of this Act shall become effective on July 1, 2013.

SECTION 6.

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

Representative Cooper of the 43rd moved that the House agree to the Senate substitute to HB 315.

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

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

On the motion, the ayes were 136, nays 37.

The motion prevailed.

HB 359. By Representatives Nimmer of the 178th, Hatchett of the 150th, Coomer of the 14th, England of the 116th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed property, so as to require the commissioner of revenue to deposit certain funds in the state treasury; to amend Chapter 16 of Title 48 of the Official Code of Georgia Annotated, relating to the tax amnesty program, so as to require the commissioner of revenue to deposit certain funds in the state

treasury; to provide for related matters; to provide for 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 Article 2 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to choses in action, so as to provide that actions for legal malpractice are not assignable; to amend Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed property, so as to require the commissioner of revenue to deposit certain funds in the state treasury; to amend Chapter 16 of Title 48 of the Official Code of Georgia Annotated, relating to the tax amnesty program, so as to require the commissioner of revenue to deposit certain funds in the state treasury; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to choses in action, is amended by revising Code Section 44-12-24, relating to assignment of rights of action, as follows:

"44-12-24.

Except for those situations governed by Code Sections 11-2-210 and 11-9-406, a right of action is assignable if it involves, directly or indirectly, a right of property. A right of action for personal torts, for legal malpractice, or for injuries arising from fraud to the assignor may not be assigned."

SECTION 2.

Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed property, is amended by revising Code Section 44-12-218, relating to disposition of funds received under article and authorized deductions, as follows:

"44-12-218.

(a) All funds received under this article, including the proceeds from the sale of abandoned property under Code Section 44-12-217, shall forthwith be deposited by the commissioner in the general fund, ~~except that the commissioner shall retain in a separate trust fund a sum sufficient from which he shall make prompt payment of claims duly allowed by him as provided in Code Section 44-12-220.~~ Before making a deposit he or she shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the

name and last known address of each insured person or annuitant and, with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

~~(b) Before making any deposit to the credit of the general fund the commissioner may deduct:~~

- ~~(1) Any costs in connection with sale of abandoned property;~~
- ~~(2) Any costs of mailing and publication in connection with any abandoned property;~~
- ~~(3) Operating expenses;~~
- ~~(4) Amounts required to make payments to other states, during the next fiscal year, through reciprocity agreements; and~~
- ~~(5) Expenses for consulting services."~~

SECTION 3.

Chapter 16 of Title 48 of the Official Code of Georgia Annotated, relating to the tax amnesty program, is amended by revising Code Section 48-16-10, relating to the imposition of a cost of collection fee after the amnesty period expires, as follows:

"48-16-10.

(a) In addition to all other penalties provided under this chapter or any other law, the commissioner may by regulation impose after the expiration of the tax amnesty period a cost of collection fee of 20 percent of any deficiency assessed for any taxable period ending or transactions occurring after December 31, 1990. This fee shall be in addition to all other applicable penalties, fees, or costs. The commissioner shall have the right to waive any collection fee when it is demonstrated that any deficiency of the taxpayer was not due to negligence, intentional disregard of administrative rules and regulations, or fraud. ~~Notwithstanding any other provision of law, the department is authorized to retain all funds received as collection fees imposed by the commissioner for use in defraying the cost of collection of deficient taxes. Any such funds not expended for this purpose in the fiscal year in which they are generated shall be deposited in the state treasury; provided, however, that nothing in this Code section shall be construed so as to allow the department to retain any funds required by the Constitution of Georgia to be paid into the state treasury; and provided, further, that the department shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such funds.~~

(b) In addition to all other penalties provided under this chapter or any other law, the commissioner may pursuant to regulation impose after the expiration of the tax amnesty period a cost of collection fee of 50 percent of any deficiency assessed after the amnesty period for taxable periods ending or transactions occurring on or before December 31, 1990, regardless of when due. This fee shall be in addition to all other applicable penalties, fees, or costs. The commissioner shall have the right to waive any collection fee when it is demonstrated that any deficiency of the taxpayer was not due to negligence, intentional disregard of administrative rules and regulations, or fraud. ~~Notwithstanding any other provision of law, the department is authorized to retain all funds received as collection fees imposed by the commissioner for use in defraying the~~

~~cost of collection of deficient taxes. Any such funds not expended for this purpose in the fiscal year in which they are generated shall be deposited in the state treasury; provided, however, that nothing in this Code section shall be construed so as to allow the department to retain any funds required by the Constitution of Georgia to be paid into the state treasury; and provided, further, that the department shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such funds.~~

(c) The provisions of subsections (a) and (b) of this Code section shall not apply to any account which has been protested pursuant to Code Section 48-2-46 as of the expiration of the amnesty period and which does not become final, due, and owing, or to any account on which the taxpayer is remitting timely payments under a payment agreement negotiated with the commissioner prior to or during the amnesty period.

(d) The fee levied under subsections (a) and (b) of this Code section shall not apply to taxes paid pursuant to the terms of the amnesty program."

SECTION 4.

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

SECTION 5.

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

Representative Nimmer of the 178th moved that the House agree to the Senate substitute to HB 359.

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	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	Y 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	Y 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
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	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
Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 173, nays 0.

The motion prevailed.

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

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to revise eligibility for a HOPE grant at a technical college or university institution; to revise a provision relating to the submission of an annual request for funding for the Technical College System of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-3-519.5 of the Official Code of Georgia Annotated, relating to eligibility requirements for HOPE grants, so as to revise eligibility for a HOPE grant at a technical college or university institution; to amend Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of the State Board of the Technical College System of Georgia, so as to provide for the designation of community colleges; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 20-3-519.5 of the Official Code of Georgia Annotated, relating to eligibility requirements for HOPE grants, is amended by revising subsection (a) as follows:

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

(1) Meet achievement standards by earning a cumulative grade point average of at least ~~3.0~~ 2.0 at the end of the quarter or semester in which the student has attended 30 or 60 semester hours or 45 or 90 quarter hours of courses towards a diploma or certificate for which the student received HOPE funds pursuant to this part. The grade point average shall be calculated using such 30 semester or 45 quarter hours taken pursuant to this subsection. An otherwise eligible student who attains or regains a cumulative grade point average of at least ~~3.0~~ 2.0 at the end of a quarter or semester in which the student has attempted 30 or 60 semester hours or 45 or 90 quarter hours may qualify or requalify for a HOPE grant; provided, however, that a student who receives a HOPE grant and loses eligibility pursuant to this paragraph is only eligible to regain or requalify for the HOPE grant one time; and

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

SECTION 2.

Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of the State Board of the Technical College System of Georgia, is amended by revising paragraph (10) as follows:

"(10) Approve a request by a postsecondary technical ~~school~~ college or institution governed under this chapter that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, or any other appropriate accrediting agency approved by the United States secretary of education, to be named a community college or technical college upon the approval and granting of ~~occupational degree granting status~~ associate's degrees by the State Board of the Technical College System of Georgia ~~and upon receiving accreditation by the Commission on Colleges of the Southern Association of Schools, the Council on Occupational Education, or any other appropriate accrediting agency approved by the United States Secretary of Education.~~ The use of the name community college or technical college shall not alter the governance of the technical ~~school~~ college or institution as established under this chapter nor shall it abridge the authority of the Board of Regents of the University System of Georgia under the Constitution of this state; and"

SECTION 3.

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

The following amendment was read and adopted:

Representative Coomer of the 14th et al. offer the following amendment:

Amend the Senate Higher Education Committee substitute to HB 372 (LC 41 0092S) by striking from lines 3 through 5 the following:

to amend Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of the State Board of the Technical College System of Georgia, so as to provide for the designation of community colleges;

By striking lines 32 through 48.

Representative Coomer of the 14th moved that the House agree to the Senate substitute, as amended by the House, to HB 372.

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	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	Y 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	Y 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
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard

Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 176, nays 1.

The motion prevailed.

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

Mr. Speaker:

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

HB 70. By Representatives Golick of the 40th, Coleman of the 97th, Setzler of the 35th, Lindsey of the 54th, Dudgeon of the 25th and others:

A BILL to be entitled an Act to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for the waiver of one of the scholarship requirements under certain conditions; to provide deadlines for scholarship payments to parents; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

A BILL to be entitled an Act to amend Code Section 47-20-83 of the Official Code of Georgia Annotated, relating to certificated or uncertificated forms of investment and real estate investments, so as to increase the total percentage of investments permissible in real estate investments for the Georgia Municipal Employees Benefit System and any association of like political subdivisions which contracts with its members; to repeal conflicting laws; and for other purposes.

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

HR 4. By Representatives Geisinger of the 48th, Jones of the 47th, O`Neal of the 146th, Abrams of the 89th, Lindsey of the 54th and others:

A RESOLUTION proposing a settlement of the boundary dispute between the State of Georgia and the State of Tennessee; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend HR 4 (LC 28 6429) by striking "the current boundary between the two states reflecting" on line 17; by striking the period at the end of line 35 and inserting in lieu thereof"; and"; and by inserting the following after line 35:

WHEREAS, the General Assembly of the State of Georgia desires to settle potential litigation with the State of Tennessee regarding the proper location of the boundary line between the states of Georgia and Tennessee on the terms and conditions set forth in this resolution, but hereby reserves its right, if such offer is rejected by or not timely acted on by the Tennessee legislature, to insist, in litigation or otherwise, on the true and correct boundary line between the states of Georgia and Tennessee as the 35th parallel of north latitude.

By inserting after line 42 the following:

BE IT FURTHER RESOLVED that, if an agreement resolving the boundary dispute is not reached as of the last day on which the General Assembly convenes in regular session in 2014, the Attorney General of Georgia is hereby authorized and directed to take such action as is required to initiate suit in the United States Supreme Court against the State of Tennessee for final settlement of the boundary issue.

Representative Geisinger of the 48th moved that the House agree to the Senate amendment to HR 4.

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

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

Y Bell	Y Douglas	Y Hitchens	Y Nix	N Stephenson
Y Bennett	Y Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Pak	Y Strickland
Y Beverly	E Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	N Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	N Hugley	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	Y 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	N Thomas, B
N Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	N Randall	Y Waites
Y Caldwell, J	N Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	N Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 157, nays 13.

The motion prevailed.

SB 113. By Senators Jones of the 10th, Stone of the 23rd, Ramsey, Sr. of the 43rd, Chance of the 16th, Jackson of the 2nd and others:

A BILL to be entitled an Act to amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process, so as to change provisions relating to personal service of a summons on a corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Willard of the 51st moved that the House insist on its position in substituting SB 113.

The motion prevailed.

SB 121. By Senators Ramsey, Sr. of the 43rd, Henson of the 41st, Chance of the 16th, Hill of the 32nd, Carter of the 1st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates for retired members of the General Assembly; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Rice of the 95th moved that the House insist on its position in substituting SB 121.

The motion prevailed.

SB 137. By Senators Jeffares of the 17th, Bethel of the 54th and Jackson of the 24th:

A BILL to be entitled an Act to amend Code Section 48-7-40.1 of the Official Code of Georgia Annotated, relating to tax credits for business enterprises in less developed areas, so as to authorize the commissioner of economic development to designate areas as opportunity zones; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Coomer of the 14th moved that the House insist on its position in substituting SB 137.

The motion prevailed.

SB 160. By Senators Ginn of the 47th, Miller of the 49th, Jones of the 25th, Cowsert of the 46th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Code Section 13-10-91 of the O.C.G.A., relating to verification of new employee eligibility, applicability, and rules and regulations, so as to provide for an annual report by public employers relative to compliance with certain laws; to amend Code Section 36-60-6 of the O.C.G.A., relating to utilization of federal work authorization program, "employee" defined, issuance of license, evidence of state licensure, annual reporting, standardized form affidavit, violation, and investigations, so as to exempt from such Code section persons who have fully complied in the past; to amend Chapter 36 of Title 50 of the O.C.G.A., relating to verification of lawful presence within the United States, so as to change a certain definition; to repeal conflicting laws; and for other purposes.

Representative Hightower of the 68th moved that the House insist on its position in substituting SB 160.

The motion prevailed.

HB 283. By Representatives Coleman of the 97th, England of the 116th, Dickson of the 6th, Kaiser of the 59th, Dudgeon of the 25th and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to update and revise terminology; to delete obsolete, unused, and unnecessary provisions; to revise funding weights; to revise provisions for earning funding for certain personnel; to revise provisions relating to submission of available positions; to provide for a grant program for technology capital; to revise provisions relating to home study programs; to clarify and revise certain provisions regarding charter schools, charter petitions, and charter funding; to authorize the Office of Student Achievement to establish a nonprofit corporation; 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 20 of the Official Code of Georgia Annotated, relating to education, so as to update and revise terminology; to delete obsolete, unused, and unnecessary provisions; to provide that a local board of education member who does not comply with a local Act which requires the local board to make a submission under the Voting Rights Act shall be guilty of a misdemeanor; to prohibit the expenditure of public funds for defense; to require the Attorney General to take certain action; to revise provisions relating to consequences under an accountability contract; to revise funding weights; to revise provisions for earning funding for certain personnel; to revise provisions relating to submission of available positions; to provide for a grant program for technology capital; to revise provisions relating to home study programs; to clarify and revise certain provisions regarding charter schools, charter petitions, and charter funding; to authorize the Office of Student Achievement to establish a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-60, relating to consolidation of county schools, as follows:

"20-2-60.

The board of education of any county shall have the right, if, in its opinion, the welfare of the schools of the county and the best interests of the pupils require, to consolidate

two or more schools into one school, to be located by the county board at a place convenient to the pupils attending the consolidated school, ~~the schoolhouse to be located as near the center of the district or districts as practicable.~~"

SECTION 2.

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

"20-2-75.

(a) A member of a local board of education which is required to cause a local Act relating to such local board to be submitted for preclearance under the federal Voting Rights Act of 1965 to the United States Department of Justice or filed with the appropriate court in a designated timeframe who votes against submission, votes to withdraw a submission that has already been made, or takes no action toward complying with such submission requirement within the designated timeframe shall be guilty of a misdemeanor.

(b) A local board of education shall not expend any public funds for attorney's fees or expenses of litigation relating to the defense of a criminal action against a local board member for a violation of subsection (a) of this Code section.

(c) Whenever any local board of education fails to cause a local Act relating to such local board to be submitted for preclearance under the federal Voting Rights Act of 1965 to the United States Department of Justice or filed with the appropriate court in a designated timeframe, withdraws a submission that has already been made, or takes no action toward complying with such submission requirement within the designated timeframe, the Attorney General shall either cause such submission to be made or shall bring such action or actions in his or her discretion as may be appropriate to enforce compliance with such submission requirements and to seek either civil or criminal penalties or both."

SECTION 3.

Said title is further amended by revising subsection (c) of Code Section 20-2-84, relating to accountability, flexibility, and consequences components of a contract, as follows:

"(c) The consequences component of the contract provided in Code Section 20-2-83 shall include:

- (1) Interventions or sanctions for failure to meet identified levels of achievement or for not showing specified levels of progress pursuant to Code Section 20-14-41, which may be accelerated; and
- (2) Loss of governance of one or more nonperforming schools by the local school system in accordance with Code Section 20-2-84.1.

Consequences shall be incurred upon noncompliance of a local school system with the accountability component of its contract; provided, however, that if a local school system has been in compliance with the accountability component of its contract for at least three consecutive years, consequences shall not be invoked upon the fifth year of the contract, and such school system may request an extension of its contract and corresponding flexibility from the state board. If the local school system or a school

within the school system meets the performance goals in its contract for such school system or school by the end of the fifth year of the contract, the school system or school shall be deemed to have met its contract performance goals. The schedule of interventions or sanctions, including loss of governance, for failure to meet identified levels of achievement or specified levels of progress shall be mutually agreed upon in the contract. If the Office of Student Achievement recommends to the state board that loss of governance not be included in a contract with respect to a high performing school, the contract may provide alternate terms with respect to that school."

SECTION 4.

Said title is further amended by revising subsection (b) of Code Section 20-2-84.1, relating to loss of governance for nonperforming schools, as follows:

"(b) Loss of governance shall be invoked upon the end of the fifth year of the contract if the school system is in noncompliance as set out in the terms of the contract."

SECTION 5.

Said title is further amended by revising Code Section 20-2-110, relating to offices for county school superintendents, as follows:

"20-2-110.

~~The county authorities of each county shall furnish the county school superintendent thereof an office in the courthouse, provided there is sufficient room in the courthouse after furnishing the county officers with offices as provided by law. Reserved.~~

SECTION 6.

Said title is further amended by revising paragraph (4) of subsection (b) of Code Section 20-2-151, relating to general and career education programs, as follows:

"(4)(A) It is the policy of this state that the primary purposes of the high school programs shall be to prepare students for the continuation of their education beyond high school and for entry into their chosen career fields as well as to prepare them to take their places in society as young adults. The following high school programs for grades nine, ten, 11, and 12 are authorized for purposes of funding under this article:

(i) The high school education program; and

(ii) The ~~vocational~~ career, technical, and agricultural education laboratory program.

(B) As a reflection of the reduced teacher-student ratios and more extensive material and equipment needed for effective laboratory courses compared to courses with no or only limited laboratory experiences, the ~~vocational~~ career, technical, and agricultural education laboratory program shall be funded at a higher level than the high school general education program. The state board shall adopt criteria which courses must meet in order to qualify for the ~~vocational~~ career, technical, and agricultural education laboratory program."

SECTION 7.

Said title is further amended by revising subsection (h) of Code Section 20-2-154.1, relating to alternative education programs, as follows:

"(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education programs shall be based upon a full-time equivalent program count that equals 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the ~~vocational~~ career, technical, and agricultural education laboratory program (grades nine through 12). For the 2002-2003 school year and thereafter, the amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the ~~vocational~~ career, technical, and agricultural education laboratory program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12."

SECTION 8.

Said title is further amended by revising subsection (a) of Code Section 20-2-160, relating to determination of enrollment by institutional program, as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized ~~career or vocational~~ career, technical, and agricultural education laboratory program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school

day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 9.

Said title is further amended by revising subsection (b) of Code Section 20-2-161, relating to the Quality Basic Education Formula, and adding a new subsection to read as follows:

"(b) As the cost of instructional programs varies depending upon the teacher-student ratios and specific services typically required to address the special needs of students enrolled, state authorized instructional programs shall have the following program weights and teacher-student ratios:

(1) Kindergarten program	1.6587 <u>1.6508</u> weight and 1 to 15 ratio
(2) Kindergarten early intervention program.....	2.0496 <u>2.0348</u> weight and 1 to 11 ratio
(3) Primary grades program (1-3)	1.2855 <u>1.2849</u> weight and 1 to 17 ratio
(4) Primary grades early intervention program (1-3).....	1.8029 <u>1.7931</u>

	weight and 1 to 11 ratio
(5) Upper elementary grades program (4-5)	1.0323 <u>1.0355</u>
	weight and 1 to 23 ratio
(6) Upper elementary grades early intervention program (4-5).....	1.7971 <u>1.7867</u>
	weight and 1 to 11 ratio
(7) Middle grades program (6-8)	1.0162 <u>1.0186</u>
	weight and 1 to 23 ratio
(8) Middle school program (6-8) as defined in Code Section 20-2-290....	1.1213 <u>1.1310</u>
	weight and 1 to 20 ratio
(9) High school general education program (9-12)	1.0000
	weight and 1 to 23 ratio
(10) Vocational <u>Career, technical, and agricultural education</u> laboratory program (9-12)	1.1847 <u>1.1916</u>
	weight and 1 to 20 ratio
(11) Program for persons with disabilities: Category I.....	2.3940 <u>2.3798</u>
	weight and 1 to 8 ratio

(12) Program for persons with disabilities: Category II	2.8156 <u>2.7883</u> weight and 1 to 6.5 ratio
(13) Program for persons with disabilities: Category III	3.5868 <u>3.5493</u> weight and 1 to 5 ratio
(14) Program for persons with disabilities: Category IV	5.8176 <u>5.7509</u> weight and 1 to 3 ratio
(15) Program for persons with disabilities: Category V	2.4583 <u>2.4511</u> weight and 1 to 8 ratio
(16) Program for intellectually gifted students: Category VI.....	1.6673 <u>1.6589</u> weight and 1 to 12 ratio
(17) Remedial education program	1.3128 <u>1.3087</u> weight and 1 to 15 ratio

(18) Alternative education program	1.6025
	<u>1.4711</u>
	weight and 1 to 15 ratio
(19) English for speakers of other languages (ESOL) program	2.5306
	<u>2.5049</u>
	weight and 1 to 7 ratio

(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school shall have the funding weight included in paragraph (8) of subsection (b) of this Code section for the middle school program, regardless of whether such middle school meets the requirements of Code Section 20-2-290."

SECTION 10.

Said title is further amended by revising Code Section 20-2-165.1, relating to charter system earnings for each full-time equivalent student, as follows:

"20-2-165.1.

In addition to the amounts earned by a charter system pursuant to subsection (b) of Code Section 20-2-161, a charter system shall earn 3.785 percent of the base amount established pursuant to subsection (a) of Code Section 20-2-161 for each full-time equivalent student in each school within the charter system; provided, however, that no individual charter system shall receive more than \$4.5 million in a fiscal year. Funds appropriated pursuant to this Code section shall be used in accordance with recommendations of the school level governing body established by the charter or to advance student achievement goals and school level governance training objectives pursuant to the charter."

SECTION 11.

Said title is further amended by revising Code Section 20-2-181, relating to calculation of program weights to reflect base school size, as follows:

"20-2-181.

The calculation of all program weights shall reflect a base size local school system of 3,300 full-time equivalent students. The calculation of program weights for the kindergarten program, the kindergarten early intervention program, the primary grades (1-3) early intervention program, the primary grades (1-3) program, the upper elementary grades (4-5) early intervention program, and the upper elementary grades (4-5) program shall reflect a base school size of 450 full-time equivalent students. The calculation of program weights for the middle grades (6-8) program, the middle school (6-8) program, the special education programs, the remedial education program, and the

English for speakers of other languages program shall reflect a base school size of 624 full-time equivalent students. The calculation of the program weights for the high school general education program and the high school ~~vocational~~ career, technical, and agricultural education laboratory program shall reflect a base school size of 970 full-time equivalent students. The calculation of program weights for the alternative education program shall reflect a base school size of 100 full-time equivalent students, except that the calculations for secretaries and media personnel shall reflect a base school size of 624 full-time equivalent students."

SECTION 12.

Said title is further amended by revising subsections (c) and (g) and paragraph (2) of subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for payment of salaries and benefits, as follows:

"(c) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, middle grades, middle school, and alternative education programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for ~~guidance counselors needed to provide essential guidance services to students and whose~~ at least one school counselor for every 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program weights for the English for speakers of other languages program and the programs for persons with disabilities shall also earn school counselor funding. Further, beginning in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually gifted students and the remedial education program shall also earn school counselor funding. The duties and responsibilities for such school counselors shall be established by the state board to require a minimum of five of the six full-time equivalent program count segments of the counselor's time to be spent counseling or advising students or parents."

"(g) All program weights, when multiplied by the base amount, shall reflect sufficient funds to pay the cost of sick and personal leave for teachers, the employer's portion of costs for membership in the Teachers Retirement System of Georgia and health insurance programs authorized by law, the cost of essential instructional materials, which shall include, but not be limited to, textbooks and technology, and equipment needed to operate effectively such instructional programs, and the cost of travel required of personnel in order to deliver educational services to enrolled students, subject to appropriation by the General Assembly."

"(2) The State Board of Education shall adopt for each instructional program authorized pursuant to Part 3 of this article except those programs included in paragraph (1) of this subsection the maximum number of students which may be taught by a teacher in an instructional period. For the remedial education, ~~vocational~~ career, technical, and agricultural education laboratory, alternative education, and early intervention programs, the State Board of Education shall provide for a system

average maximum class size that shall not exceed the funding class size by more than 20 percent, unless specifically authorized by the State Board of Education; provided, however, that the system average maximum class size for special education, gifted, and English for speakers of other languages classes shall be set by the State Board of Education. For each instructional program covered under this paragraph, the maximum number of students who may be taught by a teacher in an instructional period shall not exceed the system average maximum class size for the program by more than two students; provided, however, that a system average maximum class size which results in a fractional full-time equivalent shall be rounded up to the nearest whole number; provided, however, that this provision shall not apply to general education programs in mathematics, science, social studies, and language arts for grades 9 through 12. Beginning with the 2007-2008 school year, each local board of education shall be allowed to exceed maximum class sizes set by the state board pursuant to this paragraph for general education programs in mathematics, science, social studies, and language arts for grades 9 through 12 and may establish such maximum class sizes that shall not exceed the funding class size by more than 39 percent and shall annually report to the state board and to each school council in its school system such class sizes established."

SECTION 13.

Said title is further amended by revising subsection (a) of Code Section 20-2-184.1, relating to funding for additional days of instruction, as follows:

"20-2-184.1.

(a) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, middle grades, middle school, and remedial programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for instructors needed to provide 20 additional days of instruction for 10 percent of the full-time equivalent count of the respective program. Such funds shall be used for addressing the academic needs of low-performing students with programs including, but not limited to, instructional opportunities for students beyond the regular school day, Saturday classes, intersession classes, ~~and~~ summer school classes, and additional instructional programs during the regular school day. Following the midterm adjustment, the state board shall issue allotment sheets for each local school system. Each local school system shall spend 100 percent of the funds designated for additional days of instruction for such costs at the system level, which may include . ~~Up to 15 percent of funds designated for additional days of instruction may be spent for~~ transportation costs incurred for transporting students who are attending ~~the~~ additional classes funded by these designated funds."

SECTION 14.

Said title is further amended by revising paragraph (4) of subsection (a) and subsection (b) of Code Section 20-2-186, relating to allocation of funds for local systems to pay beginning salaries of superintendents, secretaries, accountants, nurses, and certain other personnel, as follows:

"(4) Each local system shall earn funds for the 2000-2001 school year sufficient to pay the beginning salary of a principal for each school in the local school system with a principal of record for the preceding year. Thereafter, each local school system shall earn funds sufficient to pay the beginning salary of a principal for each school in the local school system that reported a principal on the October certified personnel information report; provided, however, that any school which operates as a combination school, which is defined as any of the elementary grades, kindergarten through grade five, contiguous with one or more of the middle grades, grades six through eight; or as a combination school of any of the middle grades, grades six through eight, contiguous with one or more of the elementary grades or contiguous with one or more of the high school grades, grades nine through 12; or as a combination school of any of the high school grades, contiguous with one or more of the middle grades, shall earn funds sufficient to pay the beginning salary of a principal for each of the elementary, middle, or high school combinations. For purposes of this paragraph, 'contiguous' means grade levels in sequence, regardless of whether schools operating as a combination school are on the same campus sharing facilities or at different locations. Beginning with the 2001-2002 school year, funds cannot be earned for more than one principal's salary for schools on the same campus sharing facilities unless the schools operate as a combination school as defined in this paragraph with separate facility codes issued by the Department of Education. A local school system shall earn funds in the midterm adjustment sufficient to pay the beginning salary of a principal for a new school, if not otherwise earning the funds, when the school has reported full-time equivalent program counts in the October count, has an approved new school facility code issued by the department, and has reported a principal on the October certified personnel information report under the new facility code. It is further provided that funds for the salary of a principal shall not be earned under this paragraph for an evening school or alternative school; and"

"(b) All program weights, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries of a visiting teacher using a base size of 2,475 full-time equivalent students, ~~and~~ for costs of operating an administrative office for the certain local school system systems as deemed warranted by the department, and for workers' compensation and employment security payments for personnel at the central office, school, and program levels, subject to appropriation by the General Assembly. Further, the program weights for all special education programs pursuant to Code Section 20-2-152, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries of special education leadership personnel essential and necessary for the effective operation of such programs in a base size local school system. Further, the program weights for all programs, when multiplied by the base

amount, shall reflect sufficient funds to pay the beginning salaries of school psychologists and psychometrists essential and necessary for the effective operation of such programs in a local school system using a base size of 2,475 full-time equivalent students, subject to appropriation by the General Assembly; provided, however, that beginning with Fiscal Year 2016, such base size shall be 2,420 full-time equivalent students."

SECTION 15.

Said title is further amended by revising subsection (d) of Code Section 20-2-211, relating to annual contracts, disqualifying acts, and job descriptions, as follows:

"(d) Each local school system shall have a job description for each certificated professional personnel classification, shall have policies and procedures relative to the recruitment and selection of such personnel, and shall adhere to such recruitment and selection policies and procedures. Such policies and procedures shall assure nondiscrimination on the basis of sex, race, religion, or national origin. Such policies and procedures shall also include the announcement in writing of the availability of all certificated positions ~~to the appropriate colleges and universities in the state and to the Department of Education and~~ within the local school system and the submission of such available positions to a state-wide online job data base maintained by the state. ~~A local board of education may also announce such positions to colleges and universities in other states.~~"

SECTION 16.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 20-2-211.1, relating to clearance certificates issued by the Professional Standards Commission relating to fingerprint and criminal background checks, as follows:

"(3) 'Local unit of administration' shall have the same meaning as in Code Section 20-2-242 and shall also include state chartered special schools and ~~commission~~ state charter schools."

SECTION 17.

Said title is further amended by revising Code Section 20-2-214.1, relating to the High Performance Principals program, as follows:

"20-2-214.1.

(a) The General Assembly finds that the driving force behind attracting quality teachers to a school and creating a culture of learning and respect in the school environment is the school leadership, and particularly, the school principal. The General Assembly further finds that teachers consider school leadership as one of the most important factors in creating good working conditions in a school environment. The General Assembly further finds that a school with strong leadership and teachers will be the most effective in improving and maintaining the academic success of its students.

(b) ~~For purposes of this Code section, the term 'Needs Improvement School' means a school that has not made adequate yearly progress for two or more consecutive years in the same subject, in accordance with the accountability system established pursuant to Article 2 of Chapter 14 of this title. Reserved.~~

(c) The State Board of Education is authorized to establish a grant program to attract proven leaders in school settings to accept positions as principals in secondary schools in this state that have ~~been identified as a Needs Improvement School~~ received unacceptable ratings by the State Board of Education, as defined in state board rules relating to the accountability system. For purposes of this Code section, these individuals shall be known as High Performance Principals. The grant program shall include funding, subject to appropriations by the General Assembly, for grants from the state board to local boards of education for salary supplements for High Performance Principals.

(d) The state board is authorized to develop rules and regulations to implement the grant program, including requiring reports, data, or other measures of accountability. The grant program shall provide that the sole criteria for designating and selecting individuals as High Performance Principals shall be data based evidence of the effectiveness of a proposed High Performance Principal in improving a low performing school or in taking an average or excellent performing school to higher achievement within the last five years. Notwithstanding this, the state board shall have the discretion, only in extenuating circumstances, to consider other criteria. The state board shall be authorized to establish and maintain a nonexclusive pool of preapproved eligible candidates for High Performance Principals for consideration by local school systems.

(e) An individual selected as a High Performance Principal shall be eligible for a one-year salary supplement, in an amount as determined by the state board and subject to appropriations by the General Assembly. An individual grant shall not exceed \$15,000.00 per year and such amount shall be awarded pursuant to state board rule based on the relative recruitment need of that ~~Needs Improvement School~~ school. The local school system may apply for up to two additional school years for renewal of the High Performance Principal designation for an individual, subject to appropriation. An individual selected as a High Performance Principal shall be required to enter into a contract with the local board, in accordance with Code Section 20-2-211, which shall include terms and conditions relating to the designation of High Performance Principal, as required by the state board. An individual shall be required to reimburse the local board for any moneys paid to him or her relating to the High Performance Principal designation if he or she does not comply with the terms of the contract relating to the High Performance Principal designation.

(f) The local board shall be required to submit reports, as required by the state board, which quantify the effectiveness of an individual designated as a High Performance Principal and his or her impact on the improvement of the school in the school year in which he or she was designated a High Performance Principal. The state board shall use the data in the reports as the primary factor in evaluating applications for renewal of

a High Performance Principal designation, as provided for in subsection (e) of this Code section.

(g) Salary supplements received by a High Performance Principal pursuant to this Code section shall not be considered regular or earnable compensation for any purpose.

(h) Nothing in this Code section shall prohibit local boards of education from providing additional salary supplements and bonuses to any principal designated as a High Performance Principal."

SECTION 18.

Said title is further amended by revising Code Section 20-2-230, relating to staff development programs, as follows:

"20-2-230.

(a) All public school officials and professional personnel certificated by the Professional Standards Commission shall be provided the opportunity to continue their development throughout their professional careers. The primary purpose of the staff development sponsored or offered by local ~~units of administration~~ boards of education and the Department of Education shall be the implementation of this policy. Two additional purposes of such staff development programs shall be to adopt into general practice the findings of scientifically designed research which has been widely replicated, particularly as it relates to teacher and school effectiveness, and to address professional needs and deficiencies identified during the process of objective performance evaluations.

(b)(1) The State Board of Education shall adopt a training program for members of local boards of education by July 1, 2011. The State Board of Education may periodically adopt revisions to such training program as it deems necessary.

(2) Within three months of adoption by the State Board of Education of a training program pursuant to paragraph (1) of this subsection, each local board of education ~~and each governing board of other local units of administration~~ shall adopt a training program for members of such boards that includes, at a minimum, such training program and requirements established by the State Board of Education pursuant to paragraph (1) of this subsection. Each local board of education shall incorporate any revisions adopted by the State Board of Education to the training program pursuant to paragraph (1) of this subsection within three months of adoption of such revisions.

(3) All local boards of education ~~local units of administration~~ are authorized to pay such board members for attendance at a required training program the same per diem as authorized by local or general law for attendance at regular meetings, as well as reimbursement of actual expenses for travel, lodging, meals, and registration fees for such training, either before or after such board members assume office."

SECTION 19.

Said title is further amended by revising paragraph (2) of Code Section 20-2-259, relating to extended day program for students in grades nine through 12, as follows:

"(2) Multiply the amount calculated in paragraph (1) of this Code section by the sum of the full-time equivalent program count for the high school general education program (9-12) and the ~~vocational~~ career, technical, and agricultural education laboratory program (9-12)."

SECTION 20.

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

"20-2-263.

(a) The State Board of Education is authorized to establish a grant program to incentivize the adoption of digital learning using high speed internet connections across Georgia schools. The grant program shall include funding, subject to appropriations by the General Assembly, for grants to local boards of education for the purchase of technology capital, including, but not limited to, desktop computers, network equipment, wireless equipment, tablet computers, laptop computers, and any other technology devices or equipment that advances student learning.

(b) The state board is authorized to develop rules and regulations to implement the grant program, including requiring local school systems to commit to expanding and paying for high speed bandwidth for five years and a plan of use of the bandwidth in each school for instructional purposes, requiring each local school system to demonstrate that it has a technology plan that incorporates the use of new technology into student learning and includes a component for professional development for staff, and requiring local matching funds from local school systems to demonstrate long-term sustainability. The grant program criteria may take into account the financial need and lack of existing bandwidth of a local school system and any previous grants received by the local board of education pursuant to this Code section and may provide for waiver of the matching funds requirement for local school systems that demonstrate financial need."

SECTION 21.

Said title is further amended by revising paragraph (1) of subsection (b), paragraph (5) of subsection (d), and subsection (e) of Code Section 20-2-319.3, relating to the online clearinghouse of interactive distance learning courses, as follows:

"(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code Section 20-2-2062, and a ~~commission~~ state charter school, as defined in paragraph (2) of Code Section 20-2-2081."

"(5) A student who is enrolled in a school operated by a local school system or in a charter school and who takes a course included in the clearinghouse shall be counted in the funding formula of the student's school system or the student's charter school for such course as if the student were taking the course from the student's school system or the student's charter school."

"(e)(1) The department shall set appropriate fees for one-credit and half-credit courses offered by a local school system or a charter school to another local school system or charter school pursuant to this Code section.

(2) The department shall proportionally reduce the fee for any student who withdraws from a course prior to the end of the course pursuant to paragraph (4) of subsection (d) of this Code section.

(3) For each student enrolled in a course included in the clearinghouse, and not later than the last day of that course, the department shall deduct the amount of the fee for that course from the student's school system or charter school allotment and shall pay that amount to the local school system or charter school delivering the course.

(4) From the funds received pursuant to paragraph (3) of this subsection, the local school system or charter school delivering the course shall pay the teacher conducting the course such additional amount of compensation ~~as set by the department~~ based on the number of students taking the course and the course fee."

SECTION 22.

Said title is further amended by revising paragraphs (3) and (4) of Code Section 20-2-326, relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's Economy Act," as follows:

"(3) 'Chronically low-performing high school' means a public high school in this state that has a graduation rate of less than 60 percent for three consecutive years, as determined in accordance with methodology established by the National Governors Association's Compact on High School Graduation Data, or that has ~~not made adequate yearly progress~~ received an unacceptable rating for three consecutive years, as defined by the Office of Student Achievement.

(4) 'College and career academy' means a specialized charter school established by a partnership which demonstrates a collaboration between business, industry, and community stakeholders to advance workforce development between one or more local boards of education, a private individual, a private organization, or a state or local public entity in cooperation with one or more postsecondary institutions and approved by the State Board of Education in accordance with Article 31 of this chapter or the Georgia State Charter Schools Commission in accordance with Article 31A of this chapter."

SECTION 23.

Said title is further amended by revising subsection (c) of Code Section 20-2-690, relating to educational entities and requirements for private schools and home study programs, as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education,

which ~~may~~ shall provide for written or electronic submittal of such declaration of intent;

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction, ~~or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;~~

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) ~~Attendance records for the home study program shall be kept and shall be submitted annually to the Department of Education and additionally, in accordance with department regulations~~ The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of attendance by the Department of Public Safety Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance. ~~The department may provide for electronic submittal of such records. Attendance records and reports shall not be used for any purpose except providing necessary attendance information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;~~

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records

of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 24.

Said title is further amended by revising paragraph (2) of Code Section 20-2-2062, relating to definitions relative to charter schools, as follows:

"(2) 'Charter petitioner' means a local school, local board of education, private individual, private organization, or state or local public entity that submits or initiates a petition for a charter. The term 'charter petitioner' does not include home study programs or schools, sectarian schools, religious schools, private for profit schools, private educational institutions not established, operated, or governed by the State of Georgia, or existing private schools. On and after July 1, 2013, a charter for a local charter school, if approved, shall be a three-party agreement between a charter petitioner, a local board of education, and the State Board of Education, and the charter petitioner for such local charter school shall be a party other than the local board of education."

SECTION 25.

Reserved.

SECTION 26.

Said title is further amended by revising subsections (a), (b), and (c) of Code Section 20-2-2064, relating to approval or denial of a charter petition, as follows:

"20-2-2064.

(a) A charter petitioner seeking to create a conversion charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than ~~60~~ 90 days after its submission unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial; and provided, further, that the local board shall not act upon a petition for a conversion charter school, including, but not limited to, a conversion charter for a high school cluster, until such petition:

(1)(A) Has been freely agreed to, by secret ballot, by a majority of the faculty and instructional staff members of the petitioning local school at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval; and

(B) Has been freely agreed to, by secret ballot, by a majority of the parents or guardians of students enrolled in the petitioning local school present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval; or

(2) If for a high school cluster, has been approved by a majority of the school councils in the high school cluster and has been freely agreed to, by secret ballot, by at least 60 percent of the combined vote of the faculty and instructional staff members of the high school cluster and the parents or guardians of students who reside in the attendance zone of such high school cluster present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval. Each school council within the high school cluster shall appoint two representatives to a committee that shall conduct the vote.

This subsection shall not apply to a system charter school petitioning to be a conversion charter school.

(b) A charter petitioner seeking to create a start-up charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than ~~60~~ 90 days after its submission unless the petitioner requests an extension. A denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial.

(c) A system charter school's school council or governing council, as applicable, may petition to become a conversion charter school. The petition shall be submitted to the local board of the charter system in which the school is located. The local board must by a majority vote approve or deny a petition no later than ~~60~~ 90 days after its submission unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial."

SECTION 27.

Said title is further amended by revising paragraph (5) and paragraph (7) of subsection (b) of Code Section 20-2-2065, relating to waiver of provisions of Title 20, as follows:

"(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct; provided, however, that if:

(A) A facility used for a charter school is owned or operated by any state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity that owns or operates such facility; or

(B) A facility used for a charter school is owned by a local educational agency and operated utilizing standards of a state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity with respect to structural soundness and sufficient maintenance,

the facility or equipment or both shall be deemed to meet the safety requirements of this paragraph; provided, further, that in no event shall the state agency or entity or local educational agency owner or operator of a charter school with such facility or equipment be disqualified from eligibility for state grants or for federal grants awarded pursuant to state regulations due to such facility or equipment;"

"(7) Subject to an annual financial audit conducted by the state auditor or, if specified in the charter, by an independent certified public accountant licensed in this state; provided, however, that a separate audit shall not be required for a charter school if the charter school is included in the local school system audit conducted by the state auditor pursuant to Code Section 50-6-6;"

SECTION 28.

Said title is further amended by revising subsection (a) of Code Section 20-2-2066, relating to admission, enrollment, and withdrawal of students, as follows:

"(a) A local charter school shall enroll students in the following manner:

(1)(A) A start-up charter school shall enroll any student who resides in the charter attendance zone as specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a start-up charter school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) A sibling of a student enrolled in the start-up charter school;

(ii) A sibling of a student enrolled in another local school designated in the charter;

(iii) A student whose parent or guardian is a member of the governing board of the charter school or is a full-time teacher, professional, or other employee at the charter school; ~~and~~

(iv) Students matriculating from a local school designated in the charter; and

(v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school; provided, however, that the state board is authorized to limit the number of such pre-kindergarten programs or the percentage of children matriculating from such programs in its discretion;

(B) A conversion charter school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter. If the number of applying students who reside in the attendance zone does not exceed the capacity as specified in the charter, additional students shall be enrolled based on a random selection process; provided, however,

that enrollment preferences may be given to applicants in any one or more of the following categories in the order of priority specified in the charter:

- (i) A sibling of a student enrolled in the charter school or in any school in the high school cluster;
 - (ii) Students whose parent or guardian is a member of the governing board of the charter school or is a full-time teacher, professional, or other employee at the charter school;
 - (iii) Students who were enrolled in the local school prior to its becoming a charter school; ~~and~~
 - (iv) Students who reside in the charter attendance zone specified in the charter; and
 - (v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school; provided, however, that the state board is authorized to limit the number of such pre-kindergarten programs or the percentage of children matriculating from such programs in its discretion; and
- (2) A student who resides outside the school system in which the local charter school is located may not enroll in that local charter school except pursuant to a contractual agreement between the local boards of the school system in which the student resides and the school system in which the local charter school is located. Unless otherwise provided in such contractual agreement, a local charter school may give enrollment preference to a sibling of a nonresident student currently enrolled in the local charter school."

SECTION 29.

Said title is further amended by revising subsection (c) of Code Section 20-2-2067.1, relating to the amendment of terms of charters for charter schools, as follows:

"(c) Each start-up and conversion charter school and each charter system shall submit an annual report outlining the previous year's progress to the authorizing local board or state board, as appropriate; to parents and guardians of students enrolled in the school, or, for a charter system, to parents and guardians of students enrolled in school within the local school system; and to the Department of Education no later than October 1 of each year. The report submitted by a charter system shall include, but not limited to, data on all of its system charter schools. The report shall contain, but is not limited to:

- (1) An indication of progress toward the goals as included in the charter;
- (2) Academic data for the previous year, including state academic accountability data, such as standardized test scores ~~and adequate yearly progress data~~;
- (3) Unaudited financial statements for the fiscal year ending on June 30, provided that audited statements will be forwarded to the local board and state board upon completion;

- (4) Updated contact information for the school and the administrator, and for charter systems, each system charter school and its respective administrator;
- (5) Proof of current nonprofit status, if applicable;
- (6) Any other supplemental information that the charter school or charter system chooses to include or that the state board requests that demonstrates that school or system's success; and
- (7) For charter systems;:
- (A) A description of:
- (i) The actual authority exercised by governing councils with regard to each of the components of school level governance listed in paragraph (12.1) of Code Section 20-2-2062;
- (ii) Training received by governing councils and school administrators; and
- (iii) Steps, if any, the charter system plans to take to increase school level governance in the future;
- (B) An itemization of initiatives being supported with the additional funding received by the charter system pursuant to Code Section 20-2-165.1 and how those funds have promoted school level governance or improved student achievement;
- (C) A comparison of actual performance versus the performance based goals for the charter system set forth in the charter pursuant to Code Section 20-2-2065;
- (D) The name and contact information of an employee of the charter system that can facilitate communications between the Office of Charter School Compliance and the chairpersons of the governing councils in the charter system; and
- (E) An on-site external evaluation of the charter system at least once every five years, as determined by the state board."

SECTION 30.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 20-2-2068, relating to termination of charters, as follows:

"(2) If, after providing reasonable notice to the charter school or charter system, as applicable, and an opportunity for a hearing, the state board finds through its own audit or through other means:

- (A) A failure to comply with any recommendation or direction of the state board with respect to Code Section 20-14-41;
- (B) A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;
- (C) For a charter system, a failure to promote school level governance as required by the charter;
- ~~(C)~~(D) A failure to meet generally accepted standards of fiscal management;
- ~~(D)~~(E) A violation of applicable federal, state, or local laws or court orders;
- ~~(E)~~(F) The existence of competent substantial evidence that the continued operation of the charter school or charter system would be contrary to the best interests of the students or the community; or
- ~~(F)~~(G) A failure to comply with any provision of Code Section 20-2-2065; or"

SECTION 31.

Said title is further amended by revising Code Section 20-2-2068.2, relating to a facilities fund for charter schools, as follows:

"20-2-2068.2.

(a) From moneys specifically appropriated for such purpose, the state board shall create a facilities fund for local charter schools, state chartered special schools, and ~~commission~~ state charter schools as defined in Code Section 20-2-2081 for the purpose of establishing a per pupil, need based facilities aid program.

(b) A charter school or ~~commission~~ state charter school may receive moneys from the facilities fund if the charter school or ~~commission~~ state charter school has received final approval from the Georgia State Charter Schools Commission or from the state board for operation during that fiscal year.

(c) A charter school's or ~~commission~~ state charter school's governing body may use moneys from the facilities fund for the following purposes:

(1) Purchase of real property;

(2) Construction of school facilities, including initial and additional equipment and furnishings;

(3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;

(4) Purchase of vehicles to transport students to and from the charter school or ~~commission~~ state charter school; and

(5) Renovation, repair, and maintenance of school facilities that the school owns or is purchasing through a lease-purchase or long-term lease of ~~five~~ three years or longer.

(d) The Department of Education shall specify procedures for submitting and approving requests for funding under this Code section and for documenting expenditures.

(e) Local boards are required to renovate, repair, and maintain the school facilities of charter schools in the district to the same extent as other public schools in the district if the local board owns the charter school facility, unless otherwise agreed upon by the petitioner and the local board in the charter.

(f)(1) Prior to releasing moneys from the facilities fund, the Department of Education shall ensure that the governing board of the local charter school and the local board shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the local board in the event the local charter school terminates operations.

(2) Prior to releasing moneys from the facilities fund, the Department of Education shall ensure that the governing board of the state chartered special school and the state board shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the state board in the event the state chartered special school terminates operations.

(3) Prior to releasing moneys from the facilities fund, the Department of Education shall ensure that the governing board of the ~~commission~~ state charter school and the

Georgia State Charter Schools Commission shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Georgia State Charter Schools Commission in the event the ~~commission~~ state charter school terminates operations.

(g) The reversion of property in accordance with subsection (f) of this Code section is subject to the complete satisfaction of all lawful liens or encumbrances.

(h) Each local board of education shall make its unused facilities available to local charter schools. The terms of the use of such a facility by the charter school shall be subject to negotiation between the board and the local charter school and shall be memorialized as a separate agreement. A local charter school that is allowed to use such a facility under such an agreement shall not sell or dispose of any interest in such property without the written permission of the local board. A local charter school may not be charged a rental or leasing fee for the existing facility or for property normally used by the public school which became the local charter school. A local charter school that receives property from a local board may not sell or dispose of such property without the written permission of the local board."

SECTION 32.

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

"20-14-26.1.

(a) The office shall have the power and authority to incorporate a nonprofit corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal Revenue Code to aid the department in carrying out any of its powers and in accomplishing any of its purposes. Any nonprofit corporation created pursuant to this power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

(b) Any nonprofit corporation created pursuant to this Code section shall be subject to the following provisions:

(1) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by any such nonprofit corporation;

(2) Upon dissolution of any such nonprofit corporation incorporated by the office, any assets shall revert to the office or to any successor to the office or, failing such succession, to the State of Georgia;

(3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to any such nonprofit corporation from private sources shall be used for direct employee costs of the office;

(4) Any such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(5) The office shall not be liable for the action or omission to act of any such nonprofit corporation;

(6) No debts, bonds, notes, or other obligations incurred by any such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of any such nonprofit corporation constitute or result in the creation of an indebtedness of the state. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state; and

(7) Any nonprofit corporation created pursuant to this Code section shall not acquire or hold a fee simple interest in real property by any method, including but not limited to gift, purchase, condemnation, devise, court order, and exchange.

(c) Any nonprofit corporation created pursuant to this Code section shall make public and provide an annual report showing the identity of all donors and the amount each person or entity donated as well as all expenditures or other disposal of money or property donated. Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on Education and the Senate Education and Youth Committee. Any such nonprofit corporation shall also provide such persons with a copy of all corporate filings with the federal Internal Revenue Service."

SECTION 33.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "guidance counselor" and "guidance counselors" wherever either such term occurs with "school counselor" and "school counselors", respectively:

- (1) Code Section 20-2-171, relating to minimum direct classroom expenditures;
- (2) Code Section 20-2-1000, relating to limitation on civil damages for disciplining students; and
- (3) Code Section 20-2-1001, relating to limited immunity from criminal liability.

SECTION 34.

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

The following amendment was read and adopted:

Representative Coleman of the 97 et al. offer the following amendment:

Amend the Senate substitute to HB 283 (HB 283/SCSFA/2) by inserting after "nonprofit corporation" on line 12 the following:

to amend Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student scholarship organizations, so as to change certain provisions relating to definitions; to change certain provisions relating to requirements for such organizations; to change certain provisions relating to taxation reporting requirements for such organizations; to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income taxes, so as to

change certain provisions relating to qualified education tax credits; to provide for effective dates and applicability;

By striking lines 752 through 754 and lines 773 through 775 and inserting in lieu thereof the following:

cooperative efforts with the school; and

By inserting between lines 930 and 931 the following:

(b.1) Pursuant to this Code section, the office may establish a nonprofit corporation to be designated as the Innovation Fund Foundation to promote public-private partnerships between businesses, nonprofit organizations, institutions of higher education, local school systems, and public schools, for the purpose of improving student achievement. Funds received by the foundation may be awarded through a competitive grant process administered by the office. The General Assembly may appropriate funds for purposes of this foundation beginning in Fiscal Year 2015.

By inserting between lines 946 and 947 the following:

SECTION 33A.

Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student scholarship organizations, is amended by revising paragraph (1) of Code Section 20-2A-1, relating to definitions, as follows:

"(1) 'Eligible student' means a student who is a Georgia resident who, immediately prior to receiving a scholarship or tuition grant under Code Section 20-2A-2 and enrolling in a qualified school or program, was enrolled in and attended for at least six weeks a Georgia secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten program, or pre-kindergarten program; provided, however, that if a student is deemed an eligible student pursuant to this paragraph, he or she shall continue to qualify as such until he or she graduates, reaches the age of 20, or returns to a public school, whichever occurs first; and provided, further, that the enrollment and six-week public school attendance requirements shall be waived in the case of a student who, based on the school attendance zone of his or her primary residence, is or would be assigned to a public school that the Office of Student Achievement determines to be a low-performing school, who is the subject of officially documented cases of school based physical violence or student related verbal abuse threatening physical harm, or who was enrolled in a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 for at least one year immediately prior to receiving a scholarship or tuition grant under Code Section 20-2A-2."

SECTION 33B.

Said chapter is further amended by revising Code Section 20-2A-2, relating to requirements for student scholarship organizations, as follows:

"20-2A-2.

Each student scholarship organization:

(1) ~~Must~~ With respect to the first \$1.5 million of its annual revenue received from donations for scholarships or tuition grants, must obligate for scholarships or tuition grants at least 90 percent of such its annual revenue received from donations for scholarships or tuition grants in excess of \$1.5 million and up to and including \$10 million, must obligate at least 93 percent of such revenue for scholarships and tuition grants; with respect to its annual revenue received from donations for scholarships or tuition grants in excess of \$10 million and up to and including \$20 million, must obligate at least 94 percent of such revenue for scholarships and tuition grants; and, with respect to its annual revenue received from donations for scholarships or tuition grants in excess of \$20 million, must obligate at least 95 percent of such revenue for scholarships and tuition grants however, up to 25 percent of this amount may be carried forward for the next fiscal year. On or before the end of the calendar year following the calendar year in which a student scholarship organization receives revenues from donations and obligates them for the awarding of scholarships or tuition grants, the student scholarship organization shall designate the obligated revenues for specific student recipients. Once the student scholarship organization designates obligated revenues for specific student recipients, in the case of multiyear scholarships or tuition grants, the student scholarship organization may distribute the entire obligated and designated revenues to a qualified school or program to be held in accordance with Department of Revenue rules for distribution to the specified recipients during the years in which the recipients are projected in writing by the private school to be enrolled at the qualified school or program. In making a multiyear distribution to a qualified school or program, the student scholarship organization shall require that if the designated student becomes ineligible or for any other reason the qualified school or program elects not to continue disbursement of the multiyear scholarship or tuition grant to the designated student for all the projected years, then the qualified school or program shall immediately return the remaining funds to the student scholarship organization. Once the student scholarship organization designates obligated revenues for specific student recipients, in the case of multiyear scholarships or tuition grants for which the student scholarship organization distributes the obligated and designated revenues to a qualified school or program annually rather than the entire amount, if the designated student becomes ineligible or for any other reason the student scholarship organization elects not to continue disbursement for all years, then the student scholarship organization shall designate any remaining previously obligated revenues for a new specific student recipient on or before the end of the following calendar year. The maximum scholarship amount given by the student scholarship organization in any given year shall not exceed the average state and local expenditures per student in fall enrollment in public elementary and secondary

education for this state. The Department of Education shall determine and publish such amount annually, no later than January 1;

(1.1) In awarding scholarships or tuition grants, shall consider financial needs of students based on all sources, including the federal adjusted gross income from the federal income tax return most recently filed by the parents or guardians of such students, as adjusted for family size. If the parents or guardians of a student have not filed a federal income tax return in either of the two calendar years immediately preceding the year of application, the student scholarship organization shall consider the financial need of the student based on proof of employment income of the parents or guardians from the 30 consecutive days closest to when the applicant submitted the scholarship application and on any other sources of income, including, but not limited to, unemployment benefits, social security benefits, and child support benefits;

(2) Must maintain separate accounts for scholarship funds and operating funds. Until obligated revenues are designated for specific student recipients, the student scholarship organization shall hold the obligated revenues in a bank or investment account owned by the student scholarship organization and over which it has complete control;

(3) Must have an independent board of directors with at least three members;

(4) May transfer funds to another student scholarship organization;

(5) Must conduct an audit of its accounts by an independent certified public accountant within 120 days after the completion of the student scholarship organization's fiscal year verifying that it ~~obligated for scholarships or tuition grants at least 90 percent of its annual revenue received from donations for scholarships or tuition grants~~ has complied with all requirements of this Code section, including but not limited to financial requirements. Each student scholarship organization shall provide a copy of ~~and provide~~ such audit to the Department of Revenue in accordance with Code Section 20-2A-3. Notwithstanding Code Sections 20-2A-7, 48-2-15, 48-7-60, and 48-7-61, if the copy of the audit submitted fails to verify that the student scholarship organization obligated its annual revenue received from donations for scholarships or tuition grants as required under paragraph (1) of this Code section; that obligated revenues were designated for specific student recipients within the time frame required by paragraph (1) of this Code section; and that all obligated and designated revenue distributed to a qualified school or program for the funding of multiyear scholarships or tuition grants complied with all applicable Department of Revenue rules, then the Department of Revenue shall post on its website the details of such failure to verify. Until any such noncompliant student scholarship organization submits an amended audit, which, to the satisfaction of the Department of Revenue, contains the verifications required under this Code section, the Department of Revenue shall not preapprove any contributions to the noncompliant student scholarship organization; and

(6) Must annually submit notice to the Department of Education in accordance with department guidelines of its participation as a student scholarship organization under this chapter."

SECTION 33C.

Said chapter is further amended by revising Code Section 20-2A-3, relating to taxation reporting requirements for student scholarship organizations, as follows:

"(a) Each student scholarship organization must report to the Department of Revenue, on a form provided by the Department of Revenue, by January 12 of each tax year the following:

(1) The total number and dollar value of individual contributions and tax credits approved. Individual contributions shall include contributions made by those filing income tax returns as a single individual or head of household and those filing joint returns;

(2) The total number and dollar value of corporate contributions and tax credits approved;

(3) The total number and dollar value of scholarships awarded to eligible students; and

(4) The total number of families of scholarship recipients who fall within each quartile of Georgia adjusted gross income as defined and reported annually by the Department of Revenue and the average number of dependents of recipients for each quartile; and

~~(4)~~(5) A list of donors, including the dollar value of each donation and the dollar value of each approved tax credit.

Such report shall also include a copy of the audit conducted pursuant to paragraph (5) of Code Section 20-2A-2. The Department of Revenue shall post on its website the information received ~~by~~ from each student scholarship organization pursuant to paragraphs (1) through (4) of this subsection.

~~(b) The Department of Revenue shall not require any other information from student scholarship organizations, except as expressly authorized in this chapter. Except for the information reported pursuant to paragraphs (1) through (4) of subsection (a) of this Code section, all~~ all information or reports provided by student scholarship organizations to the Department of Revenue shall be confidential taxpayer information, governed by Code Sections 48-2-15, 48-7-60, and 48-7-61, whether it relates to the donor or the student scholarship organization."

SECTION 33D.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income taxes, is amended by revising Code Section 48-7-29.16, relating to qualified education tax credits, as follows:

"48-7-29.16.

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

(1) 'Eligible student' shall have the same meaning as in paragraph (1) of Code Section 20-2A-1.

~~(1)~~(2) 'Qualified education expense' means the expenditure of funds by the taxpayer during the tax year for which a credit under this Code section is claimed and allowed

to a student scholarship organization operating pursuant to Chapter 2A of Title 20 which are used for tuition and fees for a qualified school or program.

~~(2)~~(3) 'Qualified school or program' shall have the same meaning as in paragraph (2) of Code Section 20-2A-1.

~~(3)~~(4) 'Student scholarship organization' shall have the same meaning as in paragraph (3) of Code Section 20-2A-1.

(b) An individual taxpayer shall be allowed a credit against the tax imposed by this chapter for qualified education expenses as follows:

(1) In the case of a single individual or a head of household, the actual amount expended or \$1,000.00 per tax year, whichever is less; ~~or~~

(2) In the case of a married couple filing a joint return, the actual amount expended or \$2,500.00 per tax year, whichever is less; ~~or~~

(3) Anything to the contrary contained in paragraph (1) or (2) of this subsection notwithstanding, in the case of an individual who is a member of a limited liability company duly formed under state law, a shareholder of a Subchapter 'S' corporation, or a partner in a partnership, the amount expended or \$10,000.00 per tax year, whichever is less; provided, however, that tax credits pursuant to this paragraph shall only be allowed for the portion of the income on which such tax was actually paid by such member of the limited liability company, shareholder of a Subchapter 'S' corporation, or partner in a partnership.

(c) A corporation or other entity shall be allowed a credit against the tax imposed by this chapter for qualified education expenses in an amount not to exceed the actual amount expended or 75 percent of the corporation's income tax liability, whichever is less.

(d)(1) The tax credit shall not be allowed if the taxpayer designates the taxpayer's qualified education expense for the direct benefit of any particular individual, whether or not such individual is a dependent of the taxpayer.

(2) In soliciting contributions, a student scholarship organization shall not represent, or direct a qualified private school to represent, that, in exchange for contributing to the student scholarship organization, a taxpayer shall receive a scholarship for the direct benefit of any particular individual, whether or not such individual is a dependent of the taxpayer. The status as a student scholarship organization shall be revoked for any such organization which violates this paragraph.

(e) In no event shall the total amount of the tax credit under this Code section for a taxable year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the taxpayer against the succeeding five years' tax liability. No such credit shall be allowed the taxpayer against prior years' tax liability.

~~(f)(1) In no event shall the aggregate amount of tax credits allowed under this Code section exceed \$50 \$65 million per tax year; provided, however, that this maximum amount shall be adjusted annually until January 1, 2018, which adjustment may be based on the most recent annual percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average All Items Index, published by the Bureau of~~

~~Labor Statistics of the United States Department of Labor, as determined by the department.~~

(2) The commissioner shall allow the tax credits on a first come, first served basis.

(3) For the purposes of paragraph (1) of this subsection, a student scholarship organization shall notify a potential donor of the requirements of this Code section. Before making a contribution to a student scholarship organization, the taxpayer shall electronically notify the department, in a manner specified by the department, of the total amount of contributions that the taxpayer intends to make to the student scholarship organization. The commissioner shall preapprove or deny the requested amount within 30 days after receiving the request from the taxpayer and shall provide ~~written~~ notice to the taxpayer and the student scholarship organization of such preapproval or denial which shall not require any signed release or notarized approval by the taxpayer. In order to receive a tax credit under this Code section, the taxpayer shall make the contribution to the student scholarship organization within 60 days after receiving notice from the department that the requested amount was preapproved. If the taxpayer does not comply with this paragraph, the commissioner shall not include this preapproved contribution amount when calculating the limit prescribed in paragraph (1) of this subsection. The department shall establish a ~~web-based~~ web based donation approval process to implement this subsection.

(4) Preapproval of contributions by the commissioner shall be based solely on the availability of tax credits subject to the aggregate total limit established under paragraph (1) of this subsection. The department shall maintain an ongoing, current list on its website of the amount of tax credits available under this Code section.

(5) Notwithstanding any laws to the contrary, the department shall not take any adverse action against donors to student scholarship organizations if the commissioner preapproved a donation for a tax credit prior to the date the student scholarship organization is removed from the Department of Education list pursuant to Code Section 20-2A-7, and all such donations shall remain as preapproved tax credits subject only to the donor's compliance with paragraph (3) of this subsection.

(g) In order for the taxpayer to claim the student scholarship organization tax credit under this Code section, a letter of confirmation of donation issued by the student scholarship organization to which the contribution was made shall be attached to the taxpayer's tax return. However, in the event the taxpayer files an electronic return, such confirmation shall only be required to be electronically attached to the return if the Internal Revenue Service allows such attachments when the data is transmitted to the department. In the event the taxpayer files an electronic return and such confirmation is not attached because the Internal Revenue Service does not, at the time of such electronic filing, allow electronic attachments to the Georgia return, such confirmation shall be maintained by the taxpayer and made available upon request by the commissioner. The letter of confirmation of donation shall contain the taxpayer's name, address, tax identification number, the amount of the contribution, the date of the contribution, and the amount of the credit.

(h)(1) No credit shall be allowed under this Code section with respect to any amount deducted from taxable net income by the taxpayer as a charitable contribution to a bona fide charitable organization qualified under Section 501(c)(3) of the Internal Revenue Code.

(2) The amount of any scholarship received by an eligible student or eligible pre-kindergarten student shall be excluded from taxable net income for Georgia income tax purposes.

(i) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the tax provisions of this Code section."

SECTION 33E.

Sections 33A through 33E of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2013. All other sections shall become effective on July 1, 2013.

Representative Coleman of the 97th moved that the House agree to the Senate substitute, as amended by the House, to HB 283.

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

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

Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	N Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	N Gordon	N Marin	N Sharper	N Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	E Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 119, nays 48.

The motion prevailed.

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

Mr. Speaker:

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

HB 79. By Representative Willard of the 51st:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to revise, modernize, and correct errors or omissions in said Code in furtherance of the work of the Code Revision Commission; to repeal portions of said Code, or Acts in amendment thereof, which have become obsolete, have been declared to be unconstitutional, or have been preempted or superseded by subsequent laws; to reenact the statutory portions of said Code, as amended; to provide for other matters relating to revision and reenactment of said Code; to provide for effect in event of conflicts; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 4:30 o'clock, this afternoon.

The Speaker called the House to order.

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

Mr. Speaker:

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

HR 74 Do Pass

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

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

Mr. Speaker:

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

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

A BILL to be entitled an Act to amend Title 16, Code Section 24-13-130, Chapter 5 of Title 30, and Article 4 of Chapter 8 of Title 31 of the O.C.G.A., relating to crimes and offenses, when depositions to preserve testimony in criminal proceedings may be taken, protection of disabled adults and elder persons, and reporting abuse or exploitation of residents in long-term care facilities; to change provisions relating to cruelty to a person 65 years of age or older; to prohibit exploitation of disabled adults, elder persons, and residents; to move relevant criminal penalties from Title 30 into Title 16; to amend Code Section 17-17-3, Title 31, Chapter 3 of Title 35, and Code Sections 42-8-63.1 and 49-2-14.1 of the O.C.G.A., so as to provide for conforming cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has disagreed to the House substitute to the following bill of the Senate:

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

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

duties of the committee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 104. By Representatives Carson of the 46th, Dudgeon of the 25th, Allison of the 8th and Tanner of the 9th:

A BILL to be entitled an Act to amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates, so as to add a special license plate supporting the Appalachian Trail Conservancy in its mission to protect, maintain, and conserve the Georgia portion of the Appalachian Trail; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions regarding malt beverages, so as to change the amount of malt beverages that may be produced by a person in his or her private residence; to provide that malt beverages so produced may be transported and delivered for use at home-brew special events; to provide for the issuance of home-brew special event permits; to provide for rules and regulations to be adopted by the state revenue commissioner governing home-brew special events; to prohibit sales and limit consumption of malt beverages produced in a private residence; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 916. By Representative Alexander of the 66th:

A RESOLUTION recognizing and commending Mr. Michael Padgett; and for other purposes.

HR 917. By Representatives Tankersley of the 160th, Parrish of the 158th and Burns of the 159th:

A RESOLUTION recognizing and commending Dr. Hudson Powell, Jr.; and for other purposes.

HR 918. By Representative Hill of the 22nd:

A RESOLUTION recognizing and commending Coach Lindsey Huffman on her superlative leadership as head coach of the Reinhardt University women's basketball team; and for other purposes.

HR 919. By Representative Smith of the 70th:

A RESOLUTION recognizing and commending Sam Jones on the occasion of his retirement; and for other purposes.

HR 920. By Representative Smith of the 70th:

A RESOLUTION recognizing and commending Jane Keith on being honored with a lifetime membership to the Garden Club of Georgia; and for other purposes.

HR 921. By Representatives Smith of the 70th and Stover of the 71st:

A RESOLUTION recognizing and commending Mr. Danny "Boomer" Bishop; and for other purposes.

HR 922. By Representative Hill of the 22nd:

A RESOLUTION congratulating the Reinhardt University women's basketball team on winning its first Appalachian Athletic Conference Championship; and for other purposes.

HR 923. By Representative Neal of the 2nd:

A RESOLUTION congratulating the Gordon Lee High School Lady Trojans basketball team on winning the Georgia High School Association Class A Public State Championship; and for other purposes.

HR 924. By Representatives Harbin of the 122nd, Sims of the 123rd, Fleming of the 121st and McCall of the 33rd:

A RESOLUTION recognizing and commending Columbia County School Superintendent Charles R. Nagle on the occasion of his retirement; and for other purposes.

HR 925. By Representative Greene of the 151st:

A RESOLUTION recognizing and commending Cecelia Bostwick on the occasion of her retirement; and for other purposes.

HR 926. By Representative Hatchett of the 150th:

A RESOLUTION congratulating Emily Erin Hatchett, the recipient of the 2014 Distinguished Young Women award in Dublin, Georgia; and for other purposes.

HR 927. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Rodolfo Perez, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

HR 928. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Carol Wink, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

HR 929. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Brenda Howell, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

HR 930. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Stephanie Marley, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

HR 931. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Kim Lester, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

- HR 932. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Ellen Lane, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

- HR 933. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Ronda Allen, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

- HR 934. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Benjamin Foust, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

- HR 935. By Representatives Buckner of the 137th, Hugley of the 136th, Smyre of the 135th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Christy Grigsby, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

- HR 936. By Representatives Buckner of the 137th, Smyre of the 135th, Hugley of the 136th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Jennifer Sappington, semifinalist for 2013 Muscogee County School District Teacher of the Year; and for other purposes.

- HR 937. By Representatives Wilkerson of the 38th, Smith of the 41st, Morgan of the 39th, Evans of the 42nd and Setzler of the 35th:

A RESOLUTION recognizing and commending Birney Elementary School on being the 2013 Helen Ruffin Reading Bowl State Champions; and for other purposes.

HR 938. By Representative Lumsden of the 12th:

A RESOLUTION commending Charis Sumner, Chattooga High School's STAR Teacher; and for other purposes.

HR 939. By Representative Lumsden of the 12th:

A RESOLUTION commending Mr. Andy Cox, Trion High School's STAR Teacher; and for other purposes.

By unanimous consent, the following Bills of the Senate, having been previously postponed, were again postponed until the next legislative day:

SB 65. By Senator Unterman of the 45th:

A BILL to be entitled an Act to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to authorize a licensed professional counselor to perform certain acts which physicians, psychologists, and others are authorized to perform regarding emergency examinations of persons who are mentally ill or alcoholic or drug dependent; to define certain terms; to require a licensed professional counselor to secure certification to perform certain acts from the Department of Behavioral Health and Developmental Disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 187. By Senator Hill of the 32nd:

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

The following Bill of the Senate was taken up for the purpose of considering the Senate action thereon:

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

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

Representative Kirby of the 114th moved that the House insist on its position in substituting SB 62.

The motion prevailed.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
TUESDAY, MARCH 26, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 39th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

- | | |
|--------|--|
| SB 142 | Georgia Judicial Retirement System; board of trustees; authority to determine the time/circumstances of paying benefits; qualified plan under federal law (Substitute)(Ret-Weldon-3rd) Millar-40th |
| SB 143 | Retirement System; board of trustees of public retirement systems; provide duties (Ret-Battles-15th) Millar-40th |
| SB 178 | Georgia Legislative Retirement System; define a certain term; broaden certain provision (Ret-Maxwell-17th) Millar-40th |

Modified Structured Rule

**Pursuant to Rule 33.3, debate on SB 213 shall be limited to no longer than one hour.
Time to be allocated at the discretion of the Speaker.**

SB 213 "Flint River Drought Protection Act"; clarify legislative intent; revise definitions; expand programs (Substitute)(A&CA-Harden-148th) Tolleson-20th

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

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

SB 142. By Senator Millar of the 40th:

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to salary, retirement, death, and disability benefits under the Georgia Judicial Retirement System, so as to provide that the board of trustees shall have the authority to determine the time and circumstances of paying benefits to the extent necessary to preserve the retirement system's status as a qualified plan under federal law; to clarify a provision relating to a prohibition against a person receiving a pension from accepting public employment; to require notice to the board of trustees of such employment; to provide for penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to salary, retirement, death, and disability benefits under the Georgia Judicial Retirement System, is amended in Code Section 47-23-102, relating to vesting and benefits upon retirement, by designating the existing portion of such Code section as subsection (a) and by adding a new subsection to read as follows:

"(b) The board is authorized to provide by rule or regulation for the payment of benefits to members or beneficiaries of the retirement system at a time and under circumstances not provided for in this chapter to the extent that such payment is required to maintain the retirement system as a qualified retirement plan for the purposes of federal income tax laws and regulations."

SECTION 2.

Said article is further amended by revising Code Section 47-23-109, relating to cessation of retirement allowance for resuming state service, as follows:

"47-23-109.

(a) Except as provided in subsection (b) of this Code section, if any retired member ~~who has not yet reached normal retirement age~~ returns to the service of the state in any position, including, without limitation, service directly or indirectly as or for an independent contractor, except as a member of the General Assembly, his or her retirement allowance shall cease. Upon cessation of such service, the retired member, after proper notification to the board, shall receive the same retirement allowance which he or she was receiving prior to returning to state service, calculated with any increases granted during the period of compensation.

(b) The retirement allowance of a retired member ~~who has reached normal retirement age and~~ who returns to the service of the state in any position, including, without limitation, service directly or indirectly as or for an independent contractor, other than as a member of the General Assembly shall not cease, provided that such member performs no more than 1,040 hours of such service in any calendar year.

(c) Any state entity that employs a retired plan member, other than for service in the General Assembly as provided in subsection (a) of this Code section, shall within 30 days of the employee's accepting employment notify the board in writing stating the

name of the plan member and the number of hours the employee is expected to work annually and shall provide such other information as the board may request. If the retired plan member performs more than 1,040 hours of work in any calendar year, the employer shall so notify the board as soon as such information is available. Any employer that fails to notify the board as required by this subsection shall reimburse the retirement system for any benefits wrongfully paid. It shall be the duty of the retired plan member seeking employment by the employer to notify the employer of his or her retirement status prior to accepting such position. If a retired plan member fails to so notify the employer and the employer becomes liable to the retirement system, the plan member shall hold the employer harmless for all such liability."

SECTION 3.

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

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
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	Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	Y Ehrhart	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	Y 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	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
N Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Kendrick	Y Roberts	E Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard

Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	E Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 2.

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

SB 143. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Article 1 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Public Retirement Systems Standards Law," so as to provide for the duties of the boards of trustees of public retirement systems; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	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	Y Powell, J	Y Teasley
Bruce	Y Epps, J	Y Jones, J	Pruett	Y Thomas, A.M.
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Thomas, B
Y Buckner	Y Fleming	Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S

Y Carson	Y Frye	Kendrick	Y Roberts	E Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	E Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

SB 178. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Article 6 of Chapter 6 of Title 47 of the Official Code of Georgia Annotated, relating to retirement, retirement allowances, and death benefits under the Georgia Legislative Retirement System, so as to define a certain term; to broaden a certain provision prohibiting a person receiving a pension under such retirement system from accepting public employment; to provide that the board of trustees of such retirement system shall have the authority to provide for the time and circumstances of paying benefits as necessary to comply with federal law; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	E 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	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	Y 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	Y 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
Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Kendrick	Y Roberts	E Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golic	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	E Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

By unanimous consent, the following Bills of the Senate were postponed until the next legislative day:

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

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

SB 213. By Senators Tolleson of the 20th, Sims of the 12th, Burke of the 11th, Hill of the 4th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, the "Flint River Drought Protection Act," so as to clarify legislative intent; to revise definitions; to expand programs and provide for completion of new studies; to provide for additional powers of the director; to provide for new irrigation efficiency requirements; to provide for participation in augmented flow programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

Representatives Harbin of the 122nd, Nimmer of the 178th, Beverly of the 143rd, Dickey of the 140th, Epps of the 144th, and Peake of the 141st.

Representative O'Neal of the 146th moved that the House do now adjourn until 9:30 o'clock, A.M., Thursday, March 28, 2013, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 9:30 o'clock, A.M., Thursday, March 28, 2013.