Representative Hall, Atlanta, Georgia

Monday, March 3, 2014

Thirtieth Legislative Day

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

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

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

Due to a mechanical malfunction, Representative Carter of the 175th was not recorded on the attendance roll call. She wished to be recorded as present.

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

Representatives Barr of the 103rd, Beverly of the 143rd, Bruce of the 61st, Bryant of the 162nd, Dawkins-Haigler of the 91st, Fullerton of the 153rd, Harrell of the 106th,

Jacobs of the 80th, Jordan of the 77th, Kaiser of the 59th, Kendrick of the 93rd, Kirby of the 114th, Oliver of the 82nd, Rice of the 95th, Smith of the 134th, Stovall of the 74th, and Williams of the 168th.

They wished to be recorded as present.

Prayer was offered by Reverend Micah Emery, Associate Pastor, Green Acres Baptist Church, Warner Robins, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, 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 604
Atlanta, Georgia 30334

February 26, 2014

Bill Reilly
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Good Afternoon,

This letter is in reference to my voting machine; seat 162. Currently, the voting machine is inoperable. I would like the Journal to reflect my intended votes as follows:

HB 878	Yes
HB 886	Yes
HB 908	Yes
HB 915	Yes
HB 1000	Yes

HB 1009	Yes
HB 1030	No
HB 1031	Yes
HB 1032	No
HB 1051	Yes
HB 1067	No
HB 1068	Yes

Please document voting record for February 26, 2014.

If you have any additional questions, please contact me at (912) 661-1733.

Thanking you.

/s/ Mickey Stephens
District 165

MS/os

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 1090. By Representative Greene of the 151st:

A BILL to be entitled an Act to provide a new charter for the City of Arlington, Georgia; to provide for incorporation, boundaries, and powers of the city; to provide for severability; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1091. By Representatives Dempsey of the 13th, McCall of the 33rd, Knight of the 130th, Roberts of the 155th and Coomer of the 14th:

A BILL to be entitled an Act to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to the Fair Business Practices Act, so as to prohibit the sale of unsafe used tires for purposes of installation on a motor vehicle; to provide for determining what constitutes an unsafe used tire; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 1092. By Representatives Yates of the 73rd, Fludd of the 64th and Mabra of the 63rd:

A BILL to be entitled an Act to amend an Act creating the Fayette County Public Facilities Authority, approved March 13, 1978 (Ga. L. 1978, p. 3377), so as to grant the authority power with regard to storm-water management systems; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1093. By Representatives Channell of the 120th and Kidd of the 145th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Eatonton ad valorem taxes for municipal purposes in the amount of $10,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1094. By Representatives Channell of the 120th and Kidd of the 145th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Eatonton ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for residents of that county who are 70 years of age or older; to provide for definitions; to specify

the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1095. By Representatives Channell of the 120th and Kidd of the 145th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Eatonton ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1096. By Representatives Stephens of the 164th, Oliver of the 82nd, Harbin of the 122nd and Willard of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions for the Department of Community Affairs, so that the "Georgia Administrative Procedure Act" applies to the administration of programs, grants, and other activities of the department; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

HB 1099. By Representative Jackson of the 128th:

A BILL To be entitled an Act to provide that a member of the board of education of Warren County shall be authorized to serve simultaneously as deputy coroner of Warren County and that a deputy coroner of Warren County shall be authorized to serve simultaneously on the board of education of Warren County; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1589. By Representative Jones of the 53rd:

A RESOLUTION honoring the lives and memories of Shatikey and Demiya Griffin and encouraging Georgia police departments to execute arrest warrants expeditiously; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 1600. By Representatives Marin of the 96th and Stephens of the 164th:

A RESOLUTION creating the Georgia Asian American Pacific Islander's Task Force; and for other purposes.

Referred to the Committee on Special Rules.

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

HB 1103. By Representative Allison of the 8th:

A BILL to be entitled an Act to amend an Act to grant a new charter to the City of Young Harris, approved March 24, 1978 (Ga. L. 1978, p. 4470), as amended, so as to revise the terms of office and manner of election of the mayor and council; to revise the compensation and manner of setting the compensation of the mayor and council; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1104. By Representatives Rogers of the 10th and Gasaway of the 28th:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Habersham County (formerly the City Court of Habersham County), approved February 13, 1941 (Ga. L. 1941, p. 651), as amended, particularly by an Act approved April 11, 2012 (Ga. L. 2012, p. 5221), so as to provide that the judge and solicitor of such court shall be part-time positions; to establish the compensation of the judge and solicitor of such court; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1108. By Representatives Gravley of the 67th, Alexander of the 66th, Jones of the 62nd, Hightower of the 68th and Beasley-Teague of the 65th:

A BILL to be entitled an Act to amend an Act creating the Douglas County Board of Education, approved April 13, 1982 (Ga. L. 1982, p. 4786), as amended, particularly by an Act approved February 27, 2012 (Ga. L. 2012, p. 3717), so as to provide for compensation of members; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1109. By Representatives Taylor of the 79th and Jacobs of the 80th:

A BILL to be entitled an Act to amend an Act incorporating the City of Dunwoody, approved March 25, 2008 (Ga. L. 2008, p. 3536), as amended, so as to provide for a special service district; to provide for the provision of services; to prohibit the mayor or members of the city council to serve on a board or commission; to prohibit the circumvention of certain ordinance requirements; to permit transfer of appropriations between departments; to authorize the city manager to transfer funds; to permit the mayor to appoint a clerk; to change certain provisions relative to the municipal court; to provide for a homestead exemption from ad valorem taxes; to provide for a charter commission; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1110. By Representatives Anderson of the 92nd, Stephenson of the 90th, Dickerson of the 113th, Dawkins-Haigler of the 91st, Rutledge of the 109th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Rockdale County, approved April 2, 1987 (Ga. L. 1987, p. 5452), as amended, so as to permit the court to charge a technology fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

HB 1082	HB 1086
HB 1088	HB 1089
HB 1097	HB 1098

HR 1599	SB 167
SB 343	SB 397

Representative Carter of the 175th District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Governmental Affairs has had under consideration the following Bills and Resolution of the House and has instructed me to report the same back to the House with the following recommendations:

HB 138	Do Pass, by Substitute	HB 831	Do Pass, by Substitute
HB 855	Do Pass, by Substitute	HR 1585	Do Pass

Respectfully submitted,
/s/ Carter of the 175th
Chairman

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

HB 885	Do Pass, by Substitute
SB 342	Do Pass, by Substitute

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

Representative Dollar of the 45th District, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. Speaker:

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

HB 930 Do Pass, by Substitute

Respectfully submitted,
/s/ Dollar of the 45th
Chairman

Representative Tankersley of the 160th 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 1071	Do Pass	HB 1072	Do Pass
HB 1073	Do Pass	HB 1075	Do Pass
HB 1077	Do Pass	HB 1083	Do Pass
SB 366	Do Pass, by Substitute		

Respectfully submitted,
/s/ Tankersley of the 160th
Chairman

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

Mr. Speaker:

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

HB 779 Do Pass, by Substitute

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

Representative Channell of the 120th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bills and Resolution of the House and has instructed me to report the same back to the House with the following recommendations:

HB 257	Do Pass, by Substitute	HB 729	Do Pass, by Substitute
HB 823	Do Pass	HR 531	Do Pass

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

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

HOUSE RULES CALENDAR
MONDAY, MARCH 3, 2014

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Open Rule

HB 833 Urban Redevelopment Law; include blighted areas (GAff-Jones-62nd)

Modified Open Rule

HB 690 Local government; county may petition any municipality within county to annex unincorporated islands; provide (Substitute)(GAff-Rogers-29th)
HB 742 Coweta Judicial Circuit; superior courts; provide for seventh judge (Substitute)(Judy-Nix-69th)
HB 750 Banking and finance; exemption to mortgage loan originator licensing requirements for employees of certain nonprofit corporations; provide (Substitute)(B&B-Frye-118th)
HB 854 Condominiums; amount permissible as a special assessment fee; change (Judy-Dollar-45th)
HB 940 Chattahoochee Judicial Circuit and Oconee Judicial Circuit; election of additional judges; change date (Substitute)(Judy-Willard-51st)
HB 960 Local government; provide for use of surface transportation projects in urban redevelopment areas; provisions (Trans-Roberts-155th)
HB 1042 Auctioneers; relative to auctioneers and auction business; change certain provisions (Substitute)(RegI-Dempsey-13th)

Modified Structured Rule

HB 295 Ad valorem taxation; provide comprehensive revision of provisions (Substitute)(W&M-Battles-15th)(AM# 34 0632ER)
HB 460 Georgia Firefighters' Pension Fund; no person under a sentence of confinement shall be eligible for membership; provide (Ret-Weldon-3rd)
HB 701 Child Support Recovery Act; child support and enforcement of orders; enact provisions (Substitute)(Judy-Barr-103rd)
HB 702 State government; placement of monument on capitol grounds; provide (Substitute)(SProp-Morris-156th)
HB 720 Courts; collection of a fee to defray costs for using electronic citations; provide (Substitute)(JudyNC-Lumsden-12th)
HB 935 Retirement and pensions; disclosure of public records shall include local retirement systems; provide exemption (Ret-Benton-31st)
HB 1010 Local government; immunity of municipal corporations; revise provisions (Substitute)(Judy-Fleming-121st)
HR 1183 General Assembly; additional penalties or fees for reckless driving and provide allocation of fees to Brain and Spinal Injury Trust Fund; impose - CA (JudyNC-Tanner-9th)

Structured Rule

HB 900 State sales and use tax; consumable supplies used in manufacturing; include (W&M-Harrell-106th)

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 Bill of the House was withdrawn from the Local Calendar and recommitted to the Committee on Intragovernmental Coordination - Local:

HB 1083. By Representatives Rogers of the 10th and Gasaway of the 28th:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Habersham County (formerly the City Court of Habersham County), approved February 13, 1941 (Ga. L. 1941, p. 651), as amended, particularly by an Act approved April 11, 2012 (Ga. L. 2012, p. 5221), so as to provide that the judge and solicitor of such court shall be part-time positions; to establish the compensation of the judge and solicitor of such

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

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

HB 1071. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A BILL to be entitled an Act to authorize the City of Winder to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) 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 effective dates, to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

HB 1072. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A BILL to be entitled an Act to authorize the City of Statham to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) 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 effective dates, to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

HB 1073. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A BILL to be entitled an Act to authorize the City of Bethlehem to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) 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 effective dates, to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

HB 1075. By Representatives Broadrick of the 4th, Dickson of the 6th and Tarvin of the 2nd:

A BILL to be entitled an Act to authorize Whitfield County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) 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 effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

HB 1077. By Representatives Quick of the 117th, Williams of the 119th and Frye of the 118th:

A BILL to be entitled an Act to amend an Act creating the Downtown Athens Development Authority, approved March 23, 1977 (Ga. L. 1977, p. 3533), as amended, which authority was created pursuant to an amendment to the Constitution as contained in Ga. L. 1975, p. 1698, and amended by Ga. L. 1976, p. 1912; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 366. By Senators Lucas of the 26th, Jones of the 25th and Staton of the 18th:

A BILL to be entitled an Act to amend an Act known as the "Macon-Bibb County Water and Sewerage Authority Act," approved March 2, 1966 (Ga. L. 1966, p. 2737), as amended, particularly by an Act approved February 14, 2013 (Ga. L. 2013, p. 3505), so as to provide for the filling of vacancies in the membership of such authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act known as the "Macon-Bibb County Water and Sewerage Authority Act," approved March 2, 1966 (Ga. L. 1966, p. 2737), as amended, particularly by an Act approved February 14, 2013 (Ga. L. 2013, p. 3505), so as to provide for the filling of vacancies in the membership of such authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Macon-Bibb County Water and Sewerage Authority Act," approved March 2, 1966 (Ga. L. 1966, p. 2737), as amended, particularly by an Act approved February 14, 2013 (Ga. L. 2013, p. 3505), is amended by revising subsection (f) of Section 2 as follows:

"(f) Should any vacancy occur among the elected members of the authority with respect to a term having more than six months from the expiration of the term of office, the remaining members of the authority shall promptly notify the judge of the probate court who shall appoint a qualified person to serve until the next available special election date under Code Section 21-2-540 of the O.C.G.A., at which time a successor shall be elected for the unexpired term; provided, however, that any person appointed to fill a vacancy which occurred prior to December 31, 2013, shall continue to serve the remainder of the term of such office, and no special election shall be held to fill such vacancy. The appointee of the judge of the probate court shall serve until a successor shall have been elected and shall qualify. Any person so elected at such special election shall hold office for the unexpired term for which he or she was elected. If a vacancy occurs within six months of the expiration of the term of the elected member causing the vacancy, no such election shall be held, but the remaining or surviving members of the authority shall constitute the authority until the next election; provided, however, that appointments shall be made in any event and regardless of the time that the vacancy commences if the vacancy of a member causes more than one vacancy to exist on the authority."

SECTION 2.

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

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

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

On the passage of the Bills, the ayes were 148, nays 1.

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

House of Representatives
245 State Capitol
Atlanta, Georgia 30334

March 3, 2014

Bill Reilly, Clerk
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Dear Clerk of the House:

I am requesting to have my vote on the local calendar for Monday, March 3, 2014 recorded as a **YES** vote.

Sincerely,

/s/ Tom Dickson
Rep. Tom Dickson
District 6

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

Mr. Speaker:

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

SB 93. By Senators Heath of the 31st, Gooch of the 51st, Tolleson of the 20th, Shafer of the 48th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions regarding hunting, so as to authorize the use of suppressors on hunting firearms under certain circumstances; to provide for suspension of hunting privileges for persons who are convicted of hunting without landowner permission, hunting in an area that is closed to hunting, or hunting big game out of season or at night with a suppressor equipped firearm; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 270. By Senator Millar of the 40th:

A BILL to be entitled an Act to incorporate the City of Lakeside in DeKalb County; to provide for a charter for the City of Lakeside; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from DeKalb County to the City of Lakeside; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 282. By Senator Hufstetler of the 52nd:

A BILL to be entitled an Act to amend Chapter 6 and Article 1 of Chapter 11 of Title 19 of the O.C.G.A., relating to alimony and child support and the "Child Support Recovery Act," respectively, so as to enact provisions recommended by the Georgia Child Support Commission relating to child support and enforcement of child support orders; to revise definitions used in calculating child support; to clarify that worksheets and the calculator determine monthly child support figures; to clarify provisions relating to gross income; to change provisions relating to the duties of the GCSC; to provide for definitions and correct cross-references relating to the Department of Human Services Bank Match Registry and child support orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 331. By Senators Harper of the 7th and Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the Waycross Judicial Circuit; to provide for the initial appointment of such judge by the Governor; to provide for the election and term of office of such judge; to provide for powers, duties, and responsibilities of such judge and the judges of such circuit; to provide for effective dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 364. By Senators Stone of the 23rd, Bethel of the 54th, Jackson of the 24th, Miller of the 49th, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 and Part 1 of Article 2 of Chapter 13 of Title 16 of the O.C.G.A., relating to the Juvenile Code and schedules, offenses, and penalties, respectively, so as to revise and correct errors or omissions in furtherance of the work of the Georgia Council on Criminal Justice Reform to recommend legislation; to amend Code Section 19-7-1 of the O.C.G.A., relating to in whom parental power lies and how such power may be lost, so as to correct a cross-reference; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

SB 365. By Senators Stone of the 23rd, Bethel of the 54th, Jackson of the 24th, Miller of the 49th, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Part 2 of Article 15 of Chapter 1 of Title 10, Article 6 of Chapter 11 of Title 15, Article 3A of Chapter 5 of Title

40, Chapter 2 of Title 42, and Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to the Fair Business Practices Act, delinquency proceedings in juvenile court, suspension of driver's license for certain drug offenses, the Board and Department of Corrections, and general tort provisions, respectively, so as to enact offender reentry reforms as recommended by the Georgia Council on Criminal Justice Reform; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 372. By Senator McKoon of the 29th:

A BILL to be entitled an Act to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to a uniform reporting system for certain purposes and academic eligibility requirements to receive a HOPE scholarship, so as to require local school systems to calculate and provide a grade point average for freshman, sophomore, and junior students for purposes of determining HOPE eligibility; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 374. By Senators Cowsert of the 46th, Hill of the 6th, Millar of the 40th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law," so as to revise terminology from "slums" to "pockets of blight"; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 386. By Senators Albers of the 56th, McKoon of the 29th, Hufstetler of the 52nd, Millar of the 40th, Harper of the 7th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as to prohibit the public disclosure of social security numbers, taxpayer identification numbers, and financial account numbers in court documents; to provide for procedures for such filings; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SR 70. By Senators Hill of the 32nd, McKoon of the 29th, Chance of the 16th, Mullis of the 53rd, Gooch of the 51st and others:

A RESOLUTION urging the United States Congress to adopt and to submit to the states a balanced budget amendment to the United States Constitution and to balance our current budget; and for other purposes.

SR 875. By Senators Hill of the 4th, Tippins of the 37th, Beach of the 21st and Albers of the 56th:

A RESOLUTION creating the Joint Study Committee on the Property Tax Digest Impact on Education Funding; and for other purposes.

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

HB 543. By Representatives Gravley of the 67th, Bruce of the 61st, Jones of the 62nd and Hightower of the 68th:

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

HB 944. By Representatives Alexander of the 66th, Beasley-Teague of the 65th, Jones of the 62nd and Bruce of the 61st:

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

HB 1024. By Representatives Randall of the 142nd, Beverly of the 143rd, Dickey of the 140th, Peake of the 141st and Epps of the 144th:

A BILL to be entitled an Act to amend an Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, so as to change the description of the electoral districts; to provide for the continuation in office of current members; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 93. By Senators Heath of the 31st, Gooch of the 51st, Tolleson of the 20th, Shafer of the 48th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions regarding hunting, so as to authorize the use of suppressors on hunting firearms under certain circumstances; to provide for suspension of hunting privileges for persons who are convicted of hunting without landowner permission, hunting in an area that is closed to hunting, or hunting big game out of season or at night with a suppressor equipped firearm; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 270. By Senator Millar of the 40th:

A BILL to be entitled an Act to incorporate the City of Lakeside in DeKalb County; to provide for a charter for the City of Lakeside; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from DeKalb County to the City of Lakeside; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 282. By Senator Hufstetler of the 52nd:

A BILL to be entitled an Act to amend Chapter 6 and Article 1 of Chapter 11 of Title 19 of the O.C.G.A., relating to alimony and child support and the "Child Support Recovery Act," respectively, so as to enact provisions recommended by the Georgia Child Support Commission relating to child support and enforcement of child support orders; to revise definitions used in calculating child support; to clarify that worksheets and the calculator determine monthly child support figures; to clarify provisions relating to gross income; to change provisions relating to the duties of the GCSC; to provide for definitions and correct cross-references relating to the Department of Human Services Bank Match Registry and child support orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 331. By Senators Harper of the 7th and Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the Waycross Judicial Circuit; to provide for the initial appointment of such judge by the Governor; to provide for the election and term of office of such judge; to provide for powers, duties, and responsibilities of such judge and the judges of such circuit; to provide for effective dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 364. By Senators Stone of the 23rd, Bethel of the 54th, Jackson of the 24th, Miller of the 49th, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 and Part 1 of Article 2 of Chapter 13 of Title 16 of the O.C.G.A., relating to the Juvenile Code and schedules, offenses, and penalties, respectively, so as to revise and correct errors or omissions in furtherance of the work of the Georgia Council on Criminal Justice Reform to recommend legislation; to amend Code Section 19-7-1 of the O.C.G.A., relating to in whom parental power lies and how such power may be lost, so as to correct a cross-reference; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

SB 365. By Senators Stone of the 23rd, Bethel of the 54th, Jackson of the 24th, Miller of the 49th, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Part 2 of Article 15 of Chapter 1 of Title 10, Article 6 of Chapter 11 of Title 15, Article 3A of Chapter 5 of Title 40, Chapter 2 of Title 42, and Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to the Fair Business Practices Act, delinquency proceedings in juvenile court, suspension of driver's license for certain drug offenses, the Board and Department of Corrections, and general tort provisions, respectively, so as to enact offender reentry reforms as recommended by the Georgia Council on Criminal Justice Reform; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

SB 372. By Senator McKoon of the 29th:

A BILL to be entitled an Act to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to a uniform reporting system for certain purposes and academic eligibility requirements to receive a HOPE scholarship, so as to require local school systems to calculate and provide a grade point average for freshman, sophomore, and junior students for purposes of determining HOPE eligibility; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 374. By Senators Cowsert of the 46th, Hill of the 6th, Millar of the 40th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law," so as to revise terminology from "slums" to "pockets of blight"; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 386. By Senators Albers of the 56th, McKoon of the 29th, Hufstetler of the 52nd, Millar of the 40th, Harper of the 7th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as to prohibit the public disclosure of social security numbers, taxpayer identification numbers, and financial account numbers in court documents; to provide for procedures for such filings; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SR 70. By Senators Hill of the 32nd, McKoon of the 29th, Chance of the 16th, Mullis of the 53rd, Gooch of the 51st and others:

A RESOLUTION urging the United States Congress to adopt and to submit to the states a balanced budget amendment to the United States Constitution and to balance our current budget; and for other purposes.

Referred to the Committee on Judiciary.

SR 875. By Senators Hill of the 4th, Tippins of the 37th, Beach of the 21st and Albers of the 56th:

A RESOLUTION creating the Joint Study Committee on the Property Tax Digest Impact on Education Funding; and for other purposes.

Referred to the Committee on Ways & Means.

Representative Sims of the 169th moved that the House reconsider its action in giving the requisite constitutional majority to the following Bill of the House:

HB 459. By Representatives Hitchens of the 161st, Hawkins of the 27th, Lumsden of the 12th, Tanner of the 9th, Burns of the 159th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to speed restrictions, so as to modify provisions relating to impeding traffic flow and minimum speed in left-hand lanes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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

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

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

On the motion, the ayes were 64, nays 86.

The motion was lost.

Representative Channell of the 120th withdrew his intention to move that the House reconsider its action in giving the requisite constitutional majority to the following Bill of the House:

HB 1000. By Representatives Fleming of the 121st, Carter of the 175th, Oliver of the 82nd, Frye of the 118th and Tankersley of the 160th:

A BILL to be entitled an Act to amend Title 48 of the O.C.G.A., relating to revenue and taxation, so as to provide for setoff debt collection against state income tax refunds for debts owed to political subdivisions and courts; to provide for a revision of setoff debt collection policies and systems relating to state income tax refunds; to amend Title 50 of the O.C.G.A., relating to state government, so as to provide for setoff debt collection against lottery prizes for debts owed to political subdivisions and courts; to provide for a revision of setoff debt collection policies and systems relating to lottery prizes; to provide for definitions, procedures, conditions, and limitations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

Representatives Moore of the 22nd, Dawkins-Haigler of the 91st, Buckner of the 137th, and O'Neal of the 146th.

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

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.

Pursuant to Rule 33.3, debate shall be limited to 1 hour on all legislation on today's calendars. The time will be allocated at the discretion of the Speaker.

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

HB 960. By Representatives Roberts of the 155th, Abrams of the 89th, Gardner of the 57th, Ehrhart of the 36th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban redevelopment for counties and municipal corporations, so as to provide for the use of surface transportation projects in urban redevelopment areas; to provide for definitions; to provide for public contracts with private enterprises for the completion of surface transportation projects; to provide for methods of procurement for surface transportation projects in urban redevelopment areas; to provide for limitations on former public employees when negotiating contracts for surface transportation projects; 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	N Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Meadows	Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Dempsey	N Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
E Beasley-Teague	Y Dollar	Y Hightower	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
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	E Dukes	Y Holt	E Pak	Y Strickland

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

On the passage of the Bill, the ayes were 158, nays 4.

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

HB 742. By Representatives Nix of the 69th, Cooke of the 18th, Stover of the 71st, Pezold of the 133rd, Epps of the 132nd and others:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior courts, so as to provide for a seventh judge of the superior courts of the Coweta Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of such judge; to prescribe the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia and the counties comprising said circuit; to authorize the governing authority of the counties that comprise the Coweta Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for such judges; to declare inherent authority; 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 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the Coweta Judicial Circuit and the Waycross Judicial Circuit; to provide for the initial appointment of such judges by the Governor; to provide for the election and terms of office of such judges; to provide for powers, duties, and responsibilities of each such judge; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges each judicial circuit, is amended by revising paragraph (14) as follows:

"(14) Coweta Circuit ..... ~~6~~ 7"

SECTION 1-2.

One additional judge of the superior court is added to the Coweta Judicial Circuit, thereby increasing to seven the number of judges of such circuit.

SECTION 1-3.

Such additional judge shall be appointed by the Governor for a term beginning July 1, 2014, and continuing through December 31, 2016, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2016, for a term of four years beginning on January 1, 2017, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 1-4.

The additional judge of the superior courts of the Coweta Judicial Circuit shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Coweta Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 1-5.

The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges, and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties composing the Coweta Judicial Circuit shall be the same as are now provided by law for the other superior court judges of such circuit. The provisions, if any, enacted for the supplementation by the counties of such circuit of the salary of the judges of the superior courts of the Coweta Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 1-6.

All writs and processes in the superior courts of the Coweta Judicial Circuit shall be returnable to the terms of such superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of such courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide seven judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of such superior courts and to direct and conduct all hearings and trials in such courts.

SECTION 1-7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior courts of such circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in such courts so as to have jurors for the trial of cases before any of such judges separately or before each of them at the same time.

SECTION 1-8.

The seven judges of the superior courts of the Coweta Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 1-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Coweta Judicial Circuit may bear teste in the name of any judge of the Coweta Judicial Circuit and, when issued by and in the name of any judge of such circuit, shall be fully valid and may be heard and determined before the same or any other judge of such circuit. Any judge of such circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 1-10.

Upon request of any judge of the circuit, the governing authorities of the counties composing the Coweta Judicial Circuit shall be authorized to furnish the judges of such circuit with suitable courtrooms and facilities, office space, telephones, furniture, office

equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

SECTION 1-11.

Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

PART II

SECTION 2-1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by revising paragraph (41) as follows:

"(41) Waycross Circuit ..... ~~3~~ 4"

SECTION 2-2.

A new judge of the superior court is added to the Waycross Judicial Circuit, thereby increasing to four the number of judges of such circuit.

SECTION 2-3.

The initial judge appointed as provided by this Act shall be appointed by the Governor for a term beginning July 1, 2014, and expiring December 31, 2016, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for the election of judges of the superior courts of this state in 2016 for a term of four years beginning on January 1, 2017, and until the election and qualification of a successor. Future successors shall be elected each four years thereafter as provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state.

SECTION 2-4.

Such additional judge shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the superior court of such circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 2-5.

Every person who offers for nomination and election as one of the judges of the superior courts of the Waycross Judicial Circuit shall designate with the state party authority in all state primaries and with the proper authority in all general elections the specific place for which he or she offers by naming the incumbent judge whom he or she desires to succeed; and thereupon he or she shall be qualified, if otherwise qualified, to run for such specific judgeship and no other. In the event there is no incumbent judge in the place for which he or she desires to offer, the candidate shall qualify by announcing his or her intention to run for the office for which there is no incumbent.

SECTION 2-6.

The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges; and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties of such circuit shall be the same as that of the other judges of the superior courts of the Waycross Judicial Circuit. The provisions, if any, heretofore enacted for the supplementation by the counties of such circuit of the salaries of the judges of the superior courts of the Waycross Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 2-7.

All writs and processes in the superior courts of the Waycross Judicial Circuit shall be returnable to the terms of such superior court as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law; and all terms of such courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide judges coequal in jurisdiction and authority to attend to and perform the functions, powers, and duties of the judges of such superior courts and to direct and conduct all hearings and trials in such courts.

SECTION 2-8.

The judges of the superior courts of the Waycross Judicial Circuit of Georgia in transacting the business of such courts and in performing their duties and responsibilities shall share, divide, and allocate the work and duties to be performed by each. In the event of any disagreement among such judges in any respect hereof, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling. The judge with the longest period of time of service shall be the senior judge. The chief judge shall have the right to appoint referees of the juvenile courts of the counties composing such circuit; and, in the event a juvenile court is established in any of such counties within such circuit, as provided by law, the chief judge shall appoint the judge of such court as provided by law. The judges of the superior courts of the Waycross Judicial Circuit shall have, and they are hereby clothed with, full power, authority, and discretion to determine from time to time, and term to term, the manner of calling the dockets and fixing the calendars and order of business in such courts. They

may assign to one of such judges the hearing of trials by jury for a term, and the hearing of all other matters not requiring a trial by a jury to one of the other judges; and they may rotate such order of business at the next term. They may conduct trials by jury at the same time in the same county or otherwise within such circuit, or they may hear chambers business and motion business at the same time at any place within such circuit. They may provide in all respects for holding the superior courts of such circuit so as to facilitate the hearing and determination of all the business of such courts at any time pending and ready for trial or hearing. In all such matters relating to the manner of fixing, arranging for, and disposing of the business of such courts, and making appointments as authorized by law where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge as hereinbefore defined shall control.

SECTION 2-9.

The drawing and empaneling of all jurors, whether grand, petit, or special, may be by each of the judges of the superior courts of such circuit; and they, or each of them, shall have full power and authority to draw and empanel jurors for service in such courts so as to have jurors for the trial of cases before each of such judges separately or before each of them at the same time.

SECTION 2-10.

The judges of the Waycross Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 2-11.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Waycross Judicial Circuit may bear teste in the name of any judge of the Waycross Judicial Circuit and, when issued by and in the name of any judge of such circuit, shall be fully valid and may be heard and determined before the same or any other judge of such circuit. Any judge of such court may preside over any cause therein and perform any official act as judge thereof.

SECTION 2-12.

Upon request of any judge of the circuit, the governing authorities of the counties composing the Waycross Judicial Circuit are hereby authorized to furnish the judges of such circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized herein are hereby declared to be an expense of court and payable out of the county treasury as such.

SECTION 2-13.

Nothing herein enumerated shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

PART III

SECTION 3-1.

(a) For purposes of making the initial appointment of the judges to fill the superior court judgeships created by this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) For all other purposes, this Act shall become effective on July 1, 2014.

SECTION 3-2.

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

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

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

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

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

HB 940. By Representatives Willard of the 51st, Smith of the 134th and Morris of the 156th:

A BILL to be entitled an Act to amend an Act providing for an additional judge of the Chattahoochee Judicial Circuit and Oconee Judicial Circuit, approved May 6, 2013 (Ga. L. 2013, p. 570), so as to change the date of election of such additional judges; 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 an Act providing for an additional judge of the Chattahoochee Judicial Circuit and Oconee Judicial Circuit, approved May 6, 2013 (Ga. L. 2013, p. 570), so as to change the date of election of such additional judges; 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.

An Act providing for an additional judge of the Chattahoochee Judicial Circuit, approved May 6, 2013 (Ga. L. 2013, p. 570), is amended by revising Section 1-3 as follows:

"SECTION 1-3.

The initial judge appointed as provided by this Act shall be appointed by the Governor for a term beginning on his or her appointment and expiring on December 31, 2016, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by Code Section 21-2-138 of the Official Code of Georgia

Annotated for the election of judges of the superior courts of this state in 2016 for a term of four years beginning on January 1, 2017, and until the election and qualification of a successor. Future successors shall be elected each four years thereafter as provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state."

SECTION 2.

An Act providing for an additional judge of the Oconee Judicial Circuit, approved May 6, 2013 (Ga. L. 2013, p. 570), is amended by revising Section 2-3 as follows:

"SECTION 2-3.

The initial judge appointed as provided by this Act shall be appointed by the Governor for a term beginning on his or her appointment and expiring on December 31, 2016, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for the election of judges of the superior courts of this state in 2016 for a term of four years beginning on January 1, 2017, and until the election and qualification of a successor. Future successors shall be elected each four years thereafter as provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state."

SECTION 3.

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

SECTION 4.

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

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

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

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

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

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

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

HB 750. By Representatives Frye of the 118th, Williams of the 119th, Abrams of the 89th, Cheokas of the 138th, England of the 116th and others:

A BILL to be entitled an Act to amend Code Section 7-1-1001 of the Official Code of Georgia Annotated, relating to exemptions from licensing requirements of mortgage brokers and mortgage lenders, so as to provide for an exemption to mortgage loan originator licensing requirements for employees of certain nonprofit corporations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 13 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to licensing of mortgage lenders and mortgage brokers, so as to provide for an exemption to mortgage loan originator licensing requirements for employees of certain nonprofit corporations; 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 13 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to licensing of mortgage lenders and mortgage brokers, is amended by revising Code Section 7-1-1001, relating to exemptions from licensing requirements of mortgage brokers and mortgage lenders, as follows:

"7-1-1001.

(a) The following persons shall not be required to obtain a mortgage loan originator, mortgage broker, or mortgage lender license and shall not be subject to the provisions of this article but may be subject to registration requirements, unless otherwise provided by this article:

(1) Any lender authorized to engage in business as a bank, credit card bank, savings institution, building and loan association, or credit union under the laws of the United States, any state or territory of the United States, or the District of Columbia, the deposits of which are federally insured;

(2) Any wholly owned subsidiary of any lender described in paragraph (1) of this subsection. Any subsidiary that violates any applicable law of this article may be subject to a cease and desist order as provided for in Code Section 7-1-1018;

(2.1) Any wholly owned subsidiary of any bank holding company; provided, however, that such subsidiary shall be subject to registration requirements in order to facilitate the department's handling of consumer inquiries. Such requirements are contained in Code Section 7-1-1003.3;

(3) Registered mortgage loan originators, when acting for an entity described in paragraph (1) or (2) of this subsection. To qualify for this exemption, an individual shall be registered with and maintain a unique identifier through registration with the Nationwide Mortgage Licensing System and Registry;

(4) Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of such individual. For purposes of this exemption, the term 'immediate family member' means a spouse, child, sibling, parent, grandparent, or grandchild. Immediate family members shall include stepparents, stepchildren, stepsiblings, and adoptive relationships;

(5) An attorney licensed to practice law in Georgia who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's

representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator;

(6) A Georgia licensed real estate broker or real estate salesperson not actively engaged in the business of negotiating mortgage loans or a Georgia licensed real estate salesperson providing information to a lender or its agent related to an existing or potential short sale transaction in which a separate fee is not received by such real estate broker or real estate salesperson; however, such real estate broker or real estate salesperson who directly or indirectly negotiates, places, or finds a mortgage for others shall not be exempt from the provisions of this article;

(7) Any person performing any act relating to mortgage loans under order of any court;

(8) Any natural person or the estate of or trust created by a natural person making a mortgage loan with his or her own funds for his or her own investment, including those natural persons or the estates of or trusts created by such natural persons who make a purchase money mortgage for financing sales of their own property;

(9) The United States of America, the State of Georgia or any other state, and any agency, division, or corporate instrumentality of any governmental entity, including without limitation: the Georgia Housing and Finance Authority, the Georgia Development Authority, the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), the Government National Mortgage Association (GNMA), the United States Department of Housing and Urban Development (HUD), the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA), the Farmers Home Administration (FmHA), and the Farm Credit Administration and its chartered agricultural credit associations;

(10) Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that serves as the individual's residence;

(11) Any person who makes a mortgage loan to an employee of such person as an employment benefit;

(12) Any licensee under Chapter 3 of this title, the 'Georgia Industrial Loan Act,' provided that any mortgage loan made by such licensee is for $3,000.00 or less;

(13) Nonprofit corporations making mortgage loans to promote home ownership or improvements for the disadvantaged;

(14) A natural person employed by a licensed or registered mortgage broker, a licensed or registered mortgage lender, or any person exempted from the mortgage broker or mortgage lender licensing requirements of this article when acting within the scope of employment and under the supervision of the mortgage broker or mortgage lender or exempted person as an employee and not as an independent contractor, except those natural persons exempt from licensure as a mortgage broker or mortgage lender under paragraph (17) of this subsection. To be exempt from licensure as a mortgage broker or mortgage lender, a natural person shall be employed by only one such employer and shall be at all times eligible for employment in compliance with the provisions and prohibitions of Code Section 7-1-1004. Such

natural person, who meets the definition of mortgage loan originator provided in paragraph (22) of Code Section 7-1-1000, shall be subject to mortgage loan originator licensing requirements. A natural person against whom a cease and desist order has become final shall not qualify for this exemption while under the employment time restrictions of subsection (o) of Code Section 7-1-1004 if such order was based on a violation of Code Section 7-1-1002 or 7-1-1013 or whose license was revoked within five years of the date such person was hired;

(15) Any person who purchases mortgage loans from a mortgage broker or mortgage lender solely as an investment and who is not in the business of brokering, making, purchasing, or servicing mortgage loans;

(16) Any natural person who makes five or fewer mortgage loans in any one calendar year. A person other than a natural person who makes five or fewer mortgage loans in any one calendar year shall not be exempt from the licensing requirements of this article; ~~or~~

(17)(A) A natural person otherwise required to be licensed as a mortgage lender or mortgage broker, who is under an exclusive written independent contractor agreement with any person that is a wholly owned subsidiary of a financial holding company or bank holding company, savings bank holding company, or thrift holding company, which subsidiary also meets the following requirements, subject to the review and approval of the department:

(i) The subsidiary has provided an undertaking of accountability supported by a surety bond equal to the lesser of $1 million or $50,000.00 per exempt person, to cover all of its persons exempted by this paragraph, that includes full and direct financial responsibility for the mortgage broker activities of each such exempted person, and also provides for the education of the exempt persons, the handling of consumer complaints related to the exempt persons, and the supervision of the mortgage broker activities of the exempt persons;

(ii) The subsidiary has applied for and been granted a mortgage broker or mortgage lender license, consistent with the provisions of this article and renewable annually; and

(iii) The subsidiary has paid applicable fees for this license, which license fees shall be the lesser of one-half of the sum of the cost of the individual licenses or $100,000.00.

(B) To maintain the exemption, a natural person shall:

(i) Solicit, process, place, or negotiate a mortgage loan to be made only by the licensed subsidiary or its affiliate; and

(ii) Be at all times in compliance with the provisions and prohibitions of Code Section 7-1-1013 and the provisions and prohibitions applicable to employees under Code Section 7-1-1004.

(C) For purposes of this paragraph, the term 'financial holding company' means a financial holding company as defined in the Bank Holding Company Act of 1956, as amended.

(D) The commissioner shall provide by rule or regulation for the implementation of this paragraph; or

(18)(A) An employee of a bona fide nonprofit corporation who acts as a mortgage loan originator only with respect to his or her work duties with the bona fide nonprofit corporation and who acts as a mortgage loan originator only with respect to mortgage loans with terms that are favorable to the borrower shall be exempt from obtaining a mortgage loan originator license. In order for a corporation to be considered a bona fide nonprofit corporation under this paragraph, the department shall determine, under criteria and pursuant to processes established by the department, that the nonprofit corporation:

(i) Has the status of a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986;

(ii) Promotes affordable housing;

(iii) Conducts its activities in a manner that serves public or charitable purposes, rather than commercial purposes;

(iv) Receives funding and revenue and charges fees in a manner that does not incentivize it or its employees to act other than in the best interests of its clients;

(v) Compensates its employees in a manner that does not incentivize employees to act other than in the best interests of its clients;

(vi) Provides or identifies for the borrower mortgage loans with terms favorable to the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs. In order for mortgage loans to have terms that are favorable to the borrower, the department shall determine that the terms are consistent with loan origination in a public or charitable context, rather than in a commercial context; and

(vii) Satisfies the exemption from licensure set forth in paragraph (13) of this subsection.

(B) The department shall periodically examine the books and activities of an organization it has previously identified as a bona fide nonprofit corporation for purposes of this paragraph in order to determine if it continues to meet the criteria for such status under subparagraph (A) of this paragraph. In conducting such an examination, the department shall have all of the powers set forth in Code Section 7-1-1009. In the event the nonprofit corporation no longer qualifies for such status, then the employee exemption from having a mortgage loan originator license shall no longer be applicable.

(b) Exemptions enumerated in paragraphs (1), (2), (2.1), (7), (8), (9), (11), (12), (13), (14), (15), (16), and (17) of subsection (a) of this Code section shall be exemptions from licensure as a mortgage broker or mortgage lender only. Nothing in paragraphs (1), (2), (2.1), (7), (8), (9), (11), (12), (13), (14), (15), (16), and (17) of subsection (a) of this Code section shall be intended to exempt natural persons from compliance with mortgage loan originator licensing requirements as set forth in this article and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008. Individuals that transact business as a mortgage loan originator, unless specifically exempted by

paragraph (3), (4), (5), (6), ~~or~~ (10), or (18) of subsection (a) of this Code section, shall obtain a mortgage loan originator license as required by Code Section 7-1-1002 whether they are employed by a mortgage broker, mortgage lender, or person exempted as a mortgage broker or lender as set forth in this subsection."

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

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

On the passage of the Bill, by substitute, the ayes were 164, nays 2.

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

HB 854. By Representatives Dollar of the 45th, Strickland of the 111th, Fludd of the 64th and Atwood of the 179th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to condominiums, so as to change the amount permissible as a special assessment fee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

On the passage of the Bill, the ayes were 101, nays 66.

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

The following communication was received:

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

March 3, 2014

Bill Reilly
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Due to being out of the chamber, I request to record my vote

Yea on the local calendar

Yea on HB 854

Sincerely,

/s/ Bruce Broadrick

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

HB 720. By Representatives Lumsden of the 12th, Powell of the 32nd, Willard of the 51st, Tanner of the 9th, Hitchens of the 161st and others:

A BILL to be entitled an Act to amend Title 15 and Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to courts and the uniform traffic citation and complaint form, respectively, so as to provide for the collection of a fee to defray the costs associated with using electronic citations; to provide for the Electronic Citation Fund; to provide for procedure; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 and Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to courts and the uniform traffic citation and complaint form, respectively, so as to provide for the collection of a fee to defray the costs associated with using electronic citations; to provide for definitions; to provide for the Electronic Citation Fund; to provide for procedures; to provide for a cause of action under certain circumstances; to provide for automatic repeal; 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 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures, surcharges, additional fees, and cost in cases of partial payments into the court, as follows:

"15-6-95.

Notwithstanding any law to the contrary, a clerk of any superior court of this state who receives partial payments, as ordered by the court, of criminal fines, forfeitures, or costs shall distribute said sums in the order of priority set forth below:

(1) The amount provided for in Chapter 17 of Title 47 for the Peace Officers' Annuity and Benefit Fund;

(2) The amount provided for in Chapter 14 of Title 47 for the Superior Court Clerks' Retirement Fund of Georgia;

(3) The amount provided for in Chapter 16 of Title 47 for the Sheriffs' Retirement Fund of Georgia;

(4) The amounts provided under subparagraphs (a)(1)(A) and (a)(2)(A) of Code Section 15-21-73;

(5) The amounts provided for under subparagraphs (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73;

(6) The amounts provided for in Code Section 15-21-93 for jail construction and staffing;
(7) The amount provided for in Code Section 15-21-131 for funding local victim assistance programs;
(8) The amount provided for in Code Section 36-15-9 for county law libraries;
(9) The balance of the base fine owed to the county;
(10) The amount provided for in cases of driving under the influence for purposes of the Georgia Crime Victims Emergency Fund under Code Section 15-21-112;
(11) The application fee provided for in subsection (c) or (e) of Code Section 15-21A-6;
(12) The amount provided for in cases of driving under the influence for purposes of the Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
(13) The amount provided for in Code Section 15-21-100 for the Drug Abuse Treatment and Education Fund; ~~and~~
(14) The amounts provided for in subsection (d) of Code Section 42-8-34; and
(15) The amount provided for in Code Section 15-21-200 for the Electronic Citation Fund."

SECTION 2.

Said title is further amended by adding a new article to Chapter 21, relating to the payment and disposition of fines and forfeitures, to read as follows:

"ARTICLE 11

15-21-200.
As used in this article, the term:
(1) 'Clerk' means the clerk of court or court officer charged with the duty of receiving moneys arising from fines and forfeited bonds for a court.
(2) 'Governing authority' means the body that governs the county, consolidated government, or municipality, as applicable.

15-21-201.
In every case in which any court shall impose a fine for any offense prohibited by Title 40, wherein the fine includes costs, there shall be imposed an additional fee not to exceed $5.00 for an electronic citation system, provided that the governing authority for such court has adopted a resolution agreeing to the imposition of such fee. A governing authority's resolution shall expire at the end of the fiscal year in which such resolution was adopted. The fee imposed pursuant to such resolution and this Code section shall be in addition to the amounts required by other provisions of this chapter, Chapters 14, 16, and 17 of Title 47, and Code Sections 36-15-9 and 42-8-34.

15-21-202.
(a) The fee provided for in Code Section 15-21-201 shall be collected by the clerk, paid over to the governing authority for the court that was authorized to impose such fee, and deposited into a special account to be known as the 'Electronic Citation Fund.' Such fee shall be collected at the time of sentencing if the fine is paid in full or upon receipt of the final payment if the fine is paid in installments.
(b) Moneys collected pursuant to this article and placed in the Electronic Citation Fund shall be expended by the governing authority solely and exclusively for the implementation, operation, and maintenance of the electronic citation system, including the usage of such system by law enforcement agencies, clerks, judges, prosecuting attorneys, public defenders, attorneys providing indigent defense services, probation officers, other court officers, and the public.
(c) The clerk shall remit moneys to the applicable governing authority on a monthly basis but not later than the thirtieth day following the last day of the month in which such funds were collected.
(d) The clerk shall prepare a monthly report and accounting of all funds collected pursuant to this article and submit a copy of such report to the Georgia Superior Court Clerks' Cooperative Authority and to each of the governing authorities that authorized the imposition of the electronic citation fee. The Georgia Superior Court Clerks' Cooperative Authority shall promulgate reporting forms that shall be used by the clerk.

15-21-203.
This article shall not preclude the appropriation or expenditure of other funds by any governing authority or by the General Assembly for the purpose of promoting the use of electronic citations.

15-21-204.
Any eligible voter who resides within a jurisdiction that imposes a fee pursuant to this article shall have standing to file an action in the superior court to seek appropriate injunctive relief in order to ensure such fee is being levied or funds collected from such fee are being used as required by this article.

15-21-205.
This article shall stand repealed in its entirety on June 30, 2019."

SECTION 3.

Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform traffic citation and complaint form, is amended by revising Code Section 40-13-2, relating to the system of accountability and procedures for use and issuance of citations, as follows:

"40-13-2.
The Board of ~~Public Safety~~ Driver Services, by rule and regulation, shall establish a system of accountability for all traffic citations and complaints, and it shall also provide

the procedures governing the use and issuance of such citations and complaints by law enforcement agencies. Such citations and complaints may be in written or electronic format, provided that a citation and complaint in an electronic format shall comply with Chapter 12 of Title 10."

SECTION 4.

Section 1 of this Act shall be repealed in its entirety on June 30, 2019.

SECTION 5.

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

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

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

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

Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
N Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 117, nays 49.

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

HB 935. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that an exemption from the disclosure of public records shall include local retirement systems; to provide for a biennial actuarial investigation of local retirement systems; 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	N Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
E Beasley-Teague	Dollar	Y Hightower	Y Nimmer	Y Stephens, R
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	E Dukes	Y Holt	E Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Efstration	Jackson	Y Pezold	N Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	E Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	Y Fullerton	E Kirby	Y Rogers, C	Y Wilkerson

Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	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.

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

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

HB 964 Do Pass, by Substitute

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

Representative Maxwell of the 17th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries 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 1599 Do Pass

Respectfully submitted,
/s/ Maxwell of the 17th
Chairman

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

HB 295. By Representatives Battles of the 15th and Powell of the 171st:

A BILL to be entitled an Act to amend Title 48 of the O.C.G.A., relating to revenue and taxation, so as to provide for the comprehensive revision of provisions regarding ad valorem taxation, assessment, and appeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for the comprehensive revision of provisions regarding ad valorem taxation, assessment, and appeal; to provide for electronic notice of certain tax bills or delinquent notices; to change certain provisions regarding the publication of ad valorem tax rates; to change certain provisions relating to interest on unpaid ad valorem taxes; to change certain provisions regarding penalties for certain incomplete or improper tax digests; to change certain provisions relating to joint county appraisal staffs and contracting for advice and assistance; to change certain provisions relating to ascertainment of taxable property, assessments and penalties against unreturned property, and changing valuations established by appeal; to repeal certain provisions regarding unreturned property in counties having a population of 600,000 or more; to change certain provisions relating to the time for completion of revision and assessment of returns and submission of completed tax digest to the state revenue commissioner; to change certain provisions relating to the annual notice of current assessment; to provide a cause of action for failure to provide requested information; to revise substantially certain provisions relating to county boards of equalization and ad valorem tax appeals; to change certain provisions relating to examination of county tax digests by the state revenue commissioner and provide that certain assessments and penalties shall not apply during a specified period of time; to change certain provisions relating to the issuance of mobile home location permits; to provide for increased criminal penalties for failure to attach and display certain mobile home decals; to change certain provisions relating to mobile home tax returns and decal application and issuance; to change certain provisions relating to real estate transfer tax exemptions; to change certain provisions relating to real estate transfer tax payment as certain filing prerequisites; to provide for powers, duties, and authority of the Department of Revenue and the state revenue commissioner; 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 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in Code Section 48-3-3, relating to issuance of tax executions, by revising paragraph (1) of subsection (e) as follows:

"(e)(1)(A) Whenever technologically feasible, the tax collector or tax commissioner, at the time tax bills or any subsequent delinquent notices are mailed, shall also mail such bills or notices to any new owner that at that time appear in the records of the county board of tax assessors. The bills or notices shall be mailed to the address of record as found in the county board of tax assessors' records.

(B)(i) In the discretion of the tax commissioner, a taxpayer shall have the option of receiving tax bills or subsequent delinquent notices via electronic transmission in lieu of receiving a paper bill via first-class mail. The subject line of such transmission shall show the words 'STATUTORY ELECTRONIC SERVICE' in capital letters, and the date shown on such transmission shall serve as a postmark. In any instance where such transmission proves undeliverable, the tax commissioner shall mail such tax bill or subsequent delinquent notice to the address of record as found in the county board of tax assessors' records.

(ii) The commissioner shall develop and make available to tax commissioners a suitable form for use by taxpayers in exercising the option to receive tax bills or subsequent delinquent notices via electronic transmission."

SECTION 2.

Said title is further amended in Code Section 48-5-32, relating to publication of ad valorem tax rates, by revising subsection (b) as follows:

"(b)(1) Each levying authority and each recommending authority shall cause a report to be published in a newspaper of general circulation throughout the county and posted on such authority's website, if available:

~~(1)~~(A) At least ~~two weeks~~ one week prior to the certification of any recommending authority to the levying authority of such recommending authority's recommended school tax for the support and maintenance of education pursuant to Article VIII, Section VI, Paragraph I of the Constitution; and

~~(2)~~(B) At least ~~two weeks~~ one week prior to the establishment by each levying authority of the millage rates for ad valorem taxes for educational purposes and ad valorem taxes for purposes other than educational purposes for the current calendar year.

(2) Such reports shall be in a prominent location in such newspaper and shall not be included with legal advertisements and such reports shall be posted in a prominent

location on such authority's website, if available. The size and location of the advertisements shall not be grounds for contesting the validity of the levy."

SECTION 3.

Said title is further amended in Code Section 48-5-148, relating to interest on unpaid ad valorem taxes, by revising paragraph (3) of subsection (a) as follows:

"(3) In the discretion of the tax commissioner, a taxpayer shall have the option of receiving notices of taxes due via electronic transmission in lieu of receiving a paper bill via first-class mail. The subject line of such transmission shall show the words 'STATUTORY ELECTRONIC SERVICE' in capital letters and the date shown on such transmission shall serve as a postmark. In any instance where such transmission proves undeliverable, the tax commissioner shall mail a bill to the address of record as found in the county board of tax assessors' records. ~~After notices of taxes due are mailed out, each~~ Each taxpayer shall be afforded 60 days from date of postmark to make full payment of taxes due before the taxes shall bear interest as provided in this Code section. This paragraph shall not apply in those counties in which a lesser time has been provided by law."

SECTION 4.

Said title is further amended in Code Section 48-5-205, relating to penalties for certain incomplete or improper tax digests, by revising subsection (a) as follows:

"(a) If a tax receiver or tax commissioner fails to have his or her digest completed and deposited by ~~August~~ September 1 in each year, unless excused by provisions of law or by the commissioner, ~~he~~ such tax receiver or tax commissioner shall forfeit one-tenth of his or her commissions for each week's delay. If the delay extends beyond 30 days ~~he~~ such tax receiver or tax commissioner shall forfeit one-half of his or her commissions. If the delay extends beyond the time when the Governor and commissioner fix the rate percentage, ~~he~~ such tax receiver or tax commissioner shall forfeit all ~~his~~ such tax receiver's or tax commissioner's commissions."

SECTION 5.

Said title is further amended by revising Code Section 48-5-265, relating to joint county appraisal staffs and contracting for advice and assistance, as follows:

"48-5-265.

(a)(1) The governing authorities of any two or more ~~Contiguous Class I~~ counties may join together and ~~contract to~~ by intergovernmental agreement create a joint county property appraisal staff following consultation with the county boards of tax assessors of such counties. Under any such ~~contract~~ intergovernmental agreement, the parcels of real property within the ~~contracting~~ counties subject to the intergovernmental agreement shall be totaled, and the counties shall be deemed one county for purposes of determining the class of the counties, the resulting minimum staff requirements, and the amount of money to be received from the department. The costs of the joint county property appraisal staff shall be ~~shared, each county's share to be based upon~~

~~the ratio which the number of parcels of real property in each contracting county bears to the total number of parcels of real property in all the contracting counties. Any number of Class I counties may join together to create a joint county property appraisal staff~~ determined in the intergovernmental agreement.

(2) The governing authorities of any two or more counties may execute an intergovernmental agreement to provide for the sharing of one or more designated members of property appraisal staff following consultation with the county boards of tax assessors of such counties. The costs of such shared staff members shall be determined in the intergovernmental agreement.

(b) The governing authorities of any two or more counties may join together and by intergovernmental agreement ~~Each Class I county may contract with a contiguous county which has a minimum county property appraisal staff to~~ carry out this part following consultation with the county boards of tax assessors of such counties. ~~Counties contracting in this manner~~ All counties subject to an intergovernmental agreement under this subsection shall retain their separate character for the purpose of determining the class and minimum staff requirements for each ~~contracting~~ county.

(c)(1) Any ~~Each Class I~~ county, at its discretion, may enter into contracts with persons to render advice or assistance to the county board of tax assessors ~~and to the county board of equalization~~ in the assessment and equalization of taxes ~~and to perform such other ministerial duties as are necessary and appropriate to carry out this part~~, the establishment of property valuations, or the defense of such valuations. Such advice and assistance shall be in compliance with the laws of this state and the rules and regulations of the commissioner. Individuals performing services under such contracts shall complete satisfactorily such training courses as directed by the commissioner. The function of any person contracting to render such services shall be advisory or ministerial, ~~only~~ and the final decision as to the amount of assessments and the equalization of assessments shall be made by the county board of tax assessors ~~and the county board of equalization~~ and shall be set forth in the minutes of the county board of tax assessors.

(2) No contract entered into pursuant to paragraph (1) of this subsection shall contain any provision authorizing payment to any person contracted with, or to any person employed by any person contracted with, upon a percentage basis or upon any basis under which compensation is dependent or conditioned in any way upon increasing or decreasing the aggregate assessment of property in the county. Any contract or provision of a contract which is in violation of this paragraph ~~is~~ shall be void and unenforceable."

SECTION 6.

Said title is further amended in Code Section 48-5-299, relating to ascertainment of taxable property, assessments and penalties against unreturned property, and changing valuations established by appeal, by revising subsections (b) and (c) as follows:

"(b)~~(1) In all cases where unreturned property is assessed by the county board of tax assessors after the time provided by law for making tax returns has expired, the board~~

~~shall add to the amount of state and county taxes due a penalty of 10 percent of the amount of the tax due or, if the principal sum of the tax so assessed is less than $10.00 in amount, a penalty of $1.00. The penalty provided in this subsection shall be collected by the tax collector or the tax commissioner and in all cases shall be paid into the county treasury and shall remain the property of the county.~~

~~(2)(A) The provisions of paragraph (1) of this subsection to the contrary notwithstanding, this paragraph shall apply with respect to counties having a population of 600,000 or more according to the United States decennial census of 1970 or any future such census.~~

~~(B)~~ In all cases in which unreturned property is assessed by the board after the time provided by law for making tax returns has expired, the board shall add to the assessment of the property a penalty of 10 percent, which shall be included as a part of the taxable value for the year.

(c) ~~Real property,~~ When the value of ~~which was~~ real property is reduced and that reduction is established ~~by an appeal~~ as the result of either any appeal decision rendered pursuant to Code Section 48-5-311 or stipulated by agreement of the parties to such an appeal that this subsection shall apply in any year, and that real property has not been returned by the taxpayer at a different value during the next two successive years, then the valuation so established by such decision or agreement may not be changed by the board of tax assessors during such two years for the sole purpose of changing the valuation so established ~~or~~ by such decision or agreement ~~rendered in an appeal to the board of equalization or superior court~~. In such cases, before changing such value or decision, the board of assessors shall first conduct an investigation into factors currently affecting the fair market value. The investigation necessary shall ~~include, but not~~ be limited to~~,~~ a visual on-site inspection of the property to ascertain if there have been any additions, deletions, or improvements to such property or the occurrence of other factors that might affect the current fair market value. If a review to determine if there are any errors in the description and characterization of such property in the files and records of the board of tax assessors discloses any errors, such errors shall not be the sole sufficient basis for increasing the valuation during the two-year period."

SECTION 7.

Said title is further amended by revising Code Section 48-5-302, relating to the time for completion of revision and assessment of returns and submission of completed tax digest to the state revenue commissioner, as follows:

"48-5-302.

Each county board of tax assessors shall complete its revision and assessment of the returns of taxpayers in its respective county by July ~~1~~ 15 of each year, except that, in all counties providing for the collection and payment of ad valorem taxes in installments, such date shall be June 1 of each year. The tax receiver or tax commissioner shall then immediately forward one copy of the completed digest to the commissioner for examination and approval."

SECTION 8.

Said title is further amended in Code Section 48-5-306, relating to annual notice of current assessment, by revising division (b)(2)(A)(iii), subparagraph (b)(2)(B), and subsection (d) as follows:

"(iii) For a parcel of nonhomestead property with a fair market value in excess of ~~$1 million~~ $750,000.00, to a hearing officer with appeal to the superior court."

"(B) The notice shall also contain the following ~~statement~~ statements in bold print: 'The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.'"

"(d) **Records and information availability.** Notwithstanding the provisions of Code Section 50-18-71, in the case of all public records and information of the county board of tax assessors pertaining to the appraisal and assessment of real property:

(1) The taxpayer may request, and the county board of tax assessors shall provide within ten business days, copies of such public records and information, including, but not limited to, a description of the methodology used by the board of tax assessors in setting the property's fair market value and testing uniformity, all documents reviewed in making the assessment, the address and parcel identification number of all real property utilized as qualified comparable properties, and all factors considered in establishing the new assessment, at a uniform copying fee not to exceed 25¢ per page; ~~and~~

(2) No additional charges or fees may be collected from the taxpayer for reasonable search, retrieval, or other administrative costs associated with providing such public records and information; and

(3)(A) The superior courts of this state shall have jurisdiction in law and in equity to entertain actions against the board of tax assessors to enforce compliance with the provisions of this subsection. Such actions may be brought by any person, firm, corporation, or other entity.

(B) In any action brought to enforce the provisions of this subsection in which the court determines that either party acted without substantial justification either in not complying with this subsection or in instituting the litigation, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought.

(C) Any agency or person who provides access to information in good faith reliance on the requirements of this subsection shall not be liable in any action on account of such decision."

SECTION 9.

Said title is further amended by revising Code Section 48-5-311, relating to county boards of equalization and ad valorem tax appeals, as follows:

"48-5-311.

(a) **Establishment of boards of equalization.**

(1) Except as otherwise provided in this subsection, there is established in each county of ~~the~~ this state a county board of equalization to consist of three members and three alternate members appointed in the manner and for the term set forth in this Code section. In those counties having more than 10,000 parcels of real property, the county governing authority, by appropriate resolution adopted on or before November 1 of each year, may elect to have selected one additional county board of equalization for each 10,000 parcels of real property in the county or for any part of a number of parcels in the county exceeding 10,000 parcels.

(1.1) The grand jury shall be authorized to conduct a hearing following its receipt of the report of the clerk of the superior court under paragraph (3) of subsection (j) of this Code section and to remove one or more members of the board of equalization for failure to perform the duties under this Code section.

(2) Notwithstanding any part of this subsection to the contrary, at any time the governing authority of a county makes a request to the grand jury of the county for additional alternate members of boards of equalization, the grand jury shall appoint the number of alternate members so requested to each board of equalization, such number not to exceed a maximum of 21 alternate members for each of the boards. The alternate members of the boards shall be duly qualified and authorized to serve on any of the boards of equalization of the county. The ~~grand jury of any such county~~ members of each board of equalization may designate a chairperson and two vice chairpersons of each such board of equalization. ~~The chairperson and vice chairpersons shall be vested with full administrative authority in calling and conducting the business of the board.~~ The clerk of the superior court shall have administrative authority in all matters governing the conduct and business of the boards of equalization so as to provide oversight and supervision of such boards and scheduling of appeals. Any combination of members or alternate members of any such board of equalization of the county shall be competent to exercise the power and authority of the board. Any person designated as an alternate member of any such board of equalization of the county shall be competent to serve in such capacity as provided in this Code section upon appointment and taking of oath.

(3) Notwithstanding any provision of this subsection to the contrary, in any county of this state having a population of 400,000 or more according to the United States decennial census of 1990 or any future such census, the governing authority of the county, by appropriate resolution adopted on or before November 1 of each year, may elect to have selected one additional county board of equalization for each 10,000 parcels of real property in the county or for any part of a number of parcels in the county exceeding 10,000 parcels. In addition to the foregoing, any two members of a county board of equalization of the county may decide an appeal from an assessment,

notwithstanding any other provisions of this Code section. The decision shall be in writing and signed by at least two members of the board of equalization; and, except for the number of members necessary to decide an appeal, the decision shall conform to the requirements of this Code section.

(4) The governing authorities of two or more counties may by intergovernmental agreement establish regional boards of equalization for such counties which shall operate in the same manner and be subject to all of the requirements of this Code section specified for county boards of equalization. The intergovernmental agreement shall specify the manner in which the members of the regional board shall be appointed by the grand jury of each of the counties and shall specify which clerk of the superior court shall have oversight over and supervision of such regional board. All hearings and appeals before a regional board shall be conducted in the county in which the property which is the subject of the hearing or appeal is located.

(b) **Qualifications <u>of board of equalization members</u>.**

(1) Each person who is, in the judgment of the appointing grand jury, qualified and competent to serve as a grand juror, who is the owner of real property <u>located in the county where such person is appointed to serve, or, in the case of a regional board of equalization, is the owner of real property located in any county in the region where such person is appointed to serve</u>, and who is at least a high school graduate shall be qualified, competent, and compellable to serve as a member or alternate member of the county board of equalization. No member of the governing authority of a county, municipality, or consolidated government; member of a county or independent board of education; member of the county board of tax assessors; employee of the county board of tax assessors; or county tax appraiser shall be competent to serve as a member or alternate member of the county board of equalization.

(2)<u>(A) Each person seeking to be appointed as a member or alternate member of a county board of equalization shall, not later than immediately prior to the time of their appointment under subsection (c) of this Code section, file with the clerk of the superior court a uniform application form which shall be a public record. The commissioner shall design the form which indicates the applicant's education, employment background, experience, and qualifications for such appointment.</u>

<u>(B)(i)</u> Within the first year after a member's initial appointment to the board of equalization ~~on or after January 1, 1981,~~ each member shall satisfactorily complete not less than 40 hours of instruction in appraisal and equalization processes and procedures, as prepared and required by the commissioner pursuant to Code Section 48-5-13.

<u>(ii) On or after January 1, 2015, following the completion of each term of office, a member shall, within the first year of appointment to the subsequent term of office, complete satisfactorily not less than 20 hours of instruction in appraisal and equalization processes and procedures, as prepared and required by the commissioner for newly appointed members.</u>

<u>(iii) No person shall be eligible to hear an appeal as a member of a board of equalization unless, prior to hearing such appeal, that person shall satisfactorily</u>

complete the 20 hours of instruction in appraisal and equalization processes and procedures required under the applicable provisions of division (i) or (ii) of this subparagraph.

(iv) The failure of any member to fulfill the requirements of the applicable provisions of division (i) or (ii) of this subparagraph shall render that member ineligible to serve on the board; and the vacancy created thereby shall be filled in the same manner as other vacancies on the board are filled.

~~(B)~~(C)(i) ~~No person shall be eligible to hear an appeal as a member of a board of equalization on or after January 1, 2011, unless prior to hearing such appeal, that person shall satisfactorily complete the 40 hours of instruction in appraisal and equalization processes and procedures required under subparagraph (A) of this paragraph~~. Any person appointed to such board shall be required to complete annually a continuing education requirement of at least eight hours of instruction in appraisal and equalization procedures, as prepared and required by the commissioner pursuant to Code Section 48-5-13.

(ii) The failure of any member to fulfill the requirements of division (i) of this subparagraph shall render that member ineligible to serve on the board; and the vacancy created thereby shall be filled in the same manner as other vacancies on the board are filled.

(c) **Appointment of board of equalization members.**

(1) Except as provided in paragraph (2) of this subsection, each member and alternate member of the county board of equalization shall be appointed for a term of three calendar years next succeeding the date of such member or such alternate member's selection. Each term shall begin on January 1.

(2) The grand jury in each county at any term of court preceding November 1 of 1991 shall select three persons who are otherwise qualified to serve as members of the county board of equalization and shall also select three persons who are otherwise qualified to serve as alternate members of the county board of equalization. The three individuals selected as alternates shall be designated as alternate one, alternate two, and alternate three, with the most recent appointee being alternate number three, the next most recent appointee being alternate number two, and the most senior appointee being alternate number one. One member and one alternate shall be appointed for terms of one year, one member and one alternate shall be appointed for two years, and one member and one alternate shall be appointed for three years. Each year thereafter, the grand jury of each county shall select one member and one alternate for three-year terms.

(3) If a vacancy occurs on the county board of equalization, the individual designated as alternate one shall then serve as a member of the board of equalization for the unexpired term. If a vacancy occurs among the alternate members, the grand jury then in session or the next grand jury shall select an individual who is otherwise qualified to serve as an alternate member of the county board of equalization for the unexpired term. The individual so selected shall become alternate member three, and the other two alternates shall be redesignated appropriately.

(4) Within five days after the names of the members and alternate members of the county board or boards of equalization have been selected, the clerk of the superior court shall ~~issue and deliver~~ cause such appointees to appear before the clerk of the superior court for the purpose of taking and executing in writing the oath of office. The clerk of the superior court may utilize any means necessary for such purpose, including, but not limited to, telephonic or other communication, regular first-class mail, or issuance of and delivery to the sheriff or deputy sheriff a precept containing the names of the persons so selected. Within ten days of receiving the precept, the sheriff or deputy sheriff shall cause the persons whose names are written on the precept to be served personally or by leaving the summons at their place of residence. The summons shall direct the persons named on the summons to appear before the clerk of the superior court on a date specified in the summons, which date shall not be later than December 15.

(5) Each member and alternate member of the county board of equalization, on the date prescribed for appearance before the clerk of the superior court and before entering on the discharge of such member and alternate member's duties, shall take and execute in writing before the clerk of the superior court the following oath:

'I, _____, agree to serve as a member of the board of equalization of the County of _____ and will decide any issue put before me without favor or affection to any party and without prejudice for or against any party. I will follow and apply the laws of this state. I also agree not to discuss any case or any issue with any person other than members of the board of equalization except at any appeal hearing. I shall faithfully and impartially discharge my duties in accordance with the Constitution and laws of this state, to the best of my skill and knowledge. So help me God.

_____

Signature of member or alternate member'

In addition to the oath of office prescribed in this paragraph, the presiding or chief judge of the superior court or his or her designee shall charge each member and alternate member of the county board of equalization with the law and duties relating to such office.

(d) **Duties and powers of board of equalization members.**

(1) The county board of equalization shall hear and determine appeals from assessments and denials of homestead exemptions as provided in subsection (e) of this Code section.

(2) If, in the course of determining an appeal, the county board of equalization finds reason to believe that the property involved in an appeal or the class of property in which is included the property involved in an appeal is not uniformly assessed with other property included in the digest, the board shall request the respective parties to the appeal to present relevant information with respect to that question. If the board determines that uniformity is not present, the board may order the county board of tax assessors to take such action as is necessary to obtain uniformity, except that, when a

question of county-wide uniformity is considered by the board, the board may recommend a partial or total county-wide revaluation only upon a determination by a majority of all the members of the board that the clear and convincing weight of the evidence requires such action. The board of equalization may act pursuant to this paragraph whether or not the appellant has raised the issue of uniformity.

(3) The board shall establish procedures which comply strictly with the regulations promulgated by the commissioner pursuant to subparagraph ~~(e)(5)(B)~~ (e)(1)(D) of this Code section for the conducting of appeals before the board. The procedures shall be entered into the minutes of the board, and a copy of the procedures shall be made available to any individual upon request.

(4)(A) The clerk of the superior court shall have oversight over and supervision of all boards of equalization of the county and hearing officers. This oversight and supervision shall include, but not be limited to, requiring appointment of members of county boards of equalization by the grand jury; giving the notice of the appointment of members and alternates of the county board of equalization by the county grand jury as required by Code Section 15-12-81; collecting the names of possible appointees; collecting information from possible appointees as to their qualifications; presenting the names of the possible appointees to the county grand jury; processing the appointments as required by paragraph (4) of subsection (c) of this Code section, including administering the oath of office to the newly appointed members and alternates of the county board of equalization as required by paragraph (5) of such subsection; instructing the newly appointed members and alternates as to the training they must receive and the operations of the county board of equalization; presenting to the grand jury of the county the names of possible appointees to fill vacancies as provided in paragraph (3) of such subsection; maintaining a roster of board members and alternates, maintaining a record showing that the board members and alternates completed training, keeping attendance records of board members and alternates for the purpose of payment for service, and maintaining the uniform application forms and keeping a record of the appointment dates of board members and alternates and their terms in office; and informing the county board of equalization that it must establish by regulation procedures for conducting appeals before the board as required by paragraph (3) of this subsection ~~(d) of this Code section~~. Oversight and supervision shall also include the scheduling of board hearings, assistance in scheduling hearings before hearing officers, and giving notice of the date, time, and place of hearings to the taxpayers and the county board of tax assessors and giving notice of the decisions of the county board of equalization or hearing officer to the taxpayer and county board of tax assessors as required by division (e)(6)(D)(i) of this Code section.

(B) The county governing authority shall provide any resources to the clerk of superior court that are required to be provided by paragraph (7) of subsection (e) of this Code section.

(C) The county governing authority shall provide to the clerk of superior court facilities and secretarial and clerical help for appeals pursuant to subsection (e.1) of this Code section.

(D) The clerk of superior court shall maintain any county records of all notices to the taxpayer and the taxpayer's attorney, of certified receipts of returned or unclaimed mail, and from the hearings before the board of equalization and before hearing officers ~~until~~ for 12 months after the deadline to file any appeal to the superior court expires. If an appeal is not filed to the superior court, the clerk of superior court is authorized to properly destroy any records from the hearings before the county board of equalization or hearing officers but shall maintain records of all notices to the taxpayer and the taxpayer's attorney and certified receipts of returned or unclaimed mail for 12 months. If an appeal to the superior court is filed, the clerk of superior court shall file such appeal and records in the civil action that is considered open by the clerk of superior court for such appeal, and such records shall become part of the record on appeal in accordance with paragraph (2) of subsection (g) of this Code section.

(e) **Appeal.**

(1)(A) Any taxpayer or property owner as of the last date for filing an appeal may elect to file an appeal from an assessment by the county board of tax assessors to ~~either~~:

(i) The county board of equalization as to matters of taxability, uniformity of assessment, and value, and, for residents, as to denials of homestead exemptions pursuant to paragraph (2) of this subsection;

(ii) An arbitrator as to matters of value pursuant to subsection (f) of this Code section; or

(iii) A hearing officer as to matters of value and uniformity of assessment for a parcel of nonhomestead real property with a fair market value in excess of ~~$1 million~~ $750,000.00 as shown on the taxpayer's annual notice of current assessment under Code Section 48-5-306, and any contiguous nonhomestead real property owned by the same taxpayer, pursuant to subsection (e.1) of this Code section.

(A.1) The commissioner shall establish by rule and regulation a uniform appeal form that the taxpayer may use.

(B) In addition to the grounds enumerated in subparagraph (A) of this paragraph, any taxpayer having property that is located within a municipality, the boundaries of which municipality extend into more than one county, may also appeal from an assessment on such property by the county board of tax assessors to the county board of equalization or to a hearing officer as to matters of uniformity of assessment of such property with other properties located within such municipality, and any uniformity adjustments to the assessment that may result from such appeal shall only apply for municipal ad valorem tax purposes.

(C) Appeals to the county board of equalization shall be conducted in the manner provided in paragraph (2) of this subsection. Appeals to a hearing officer shall be

conducted in the manner specified in subsection (e.1) of this Code section. Appeals to an arbitrator shall be conducted in the manner specified in subsection (f) of this Code section. Such appeal proceedings shall be conducted between the hours of 8:00 A.M. and 7:00 P.M. on a business day. Following the notification of the taxpayer of the date and time of such taxpayer's scheduled hearing, the taxpayer shall be authorized to exercise a one-time option of changing the date and time of the taxpayer's scheduled hearing to a day and time acceptable to the taxpayer and the county board of tax assessors. The clerk of the superior court shall grant additional extensions to the taxpayer or the county board of tax assessors for good cause shown, or by agreement of the parties.

(D) The commissioner, by regulation, shall adopt uniform procedures and standards which shall be followed by county boards of equalization, hearing officers, and arbitrators in determining appeals. Such rules shall be updated and revised periodically and reviewed no less frequently than every five years. The commissioner shall publish and update annually a manual for use by county boards of equalization.

(2)(A) An appeal shall be effected by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax assessors a notice of appeal within 45 days from the date of mailing the notice pursuant to Code Section 48-5-306. A written objection to an assessment of real property received by a county board of tax assessors stating the location of the real property and the identification number, if any, contained in the tax notice shall be deemed a notice of appeal by the taxpayer under the grounds listed in paragraph (1) of this subsection. A written objection to an assessment of personal property received by a county board of tax assessors giving the account number, if any, contained in the tax notice and stating that the objection is to an assessment of personal property shall be deemed a notice of appeal by the taxpayer under the grounds listed in paragraph (1) of this subsection. The county board of tax assessors shall review the valuation or denial in question, and, if any changes or corrections are made in the valuation or decision in question, the board shall send a notice of the changes or corrections to the taxpayer pursuant to Code Section 48-5-306. Such notice shall also explain the taxpayer's right to appeal to the county board of equalization as provided in subparagraph (C) of this paragraph if the taxpayer is dissatisfied with the changes or corrections made by the county board of tax assessors.

(B) If no changes or corrections are made in the valuation or decision, the county board of tax assessors shall send written notice thereof to the taxpayer, to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent, and to the county board of equalization which notice shall also constitute the taxpayer's appeal to the county board of equalization without the necessity of the taxpayer's filing any additional notice of appeal to the county board of tax assessors or to the county board of equalization. The county board of tax assessors shall also send or deliver all necessary papers to the county board of

equalization. If, however, the taxpayer and the county board of tax assessors execute a signed agreement as to valuation, the appeal shall terminate as of the date of such signed agreement.

(C) If changes or corrections are made by the county board of tax assessors, the board shall notify the taxpayer in writing of such changes. The commissioner shall develop and make available to county boards of tax assessors a suitable form which shall be used in such notification to the taxpayer. The notice shall be sent by regular mail properly addressed to the address or addresses the taxpayer provided to the county board of tax assessors and to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent. If the taxpayer is dissatisfied with such changes or corrections, the taxpayer shall, within 30 days of the date of mailing of the change notice, ~~institute an~~ notify the county board of tax assessors to continue the taxpayer's appeal to the county board of ~~tax assessors~~ equalization by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax assessors a written notice of ~~appeal~~ continuance. The county board of tax assessors shall send or deliver the notice of appeal and all necessary papers to the county board of equalization.

(D) The written notice to the taxpayer required by this paragraph shall contain a statement of the grounds for rejection of any position the taxpayer has asserted with regard to the valuation of the property. No addition to or amendment of such grounds as to such position shall be permitted before the county board of equalization.

(3)(A) In ~~any~~ each year ~~in which no county-wide revaluation is implemented~~, the county board of tax assessors shall make its determination and notify the taxpayer within 180 days after receipt of the taxpayer's notice of appeal. If the county board of tax assessors fails to respond to the taxpayer within such 180 day period during such year, the appeal shall be automatically ~~referred~~ certified to the county board of equalization with written notice to the taxpayer, except as otherwise provided in this paragraph.

(B) In any county in which the number of appeals exceeds a number equal to or greater than 3 percent of the total number of parcels in the county or the sum of the current assessed value of the parcels under appeal is equal to or greater than 3 percent of the gross tax digest of the county, the county board of tax assessors shall be granted an additional 180 day period to make its determination and notify the taxpayer. Such additional period shall commence immediately following the last day of the 180 days provided for under subparagraph (A) of this paragraph. If the county board of tax assessors fails to make its determination and notify the taxpayer or the taxpayer's attorney not later than the last day of such additional 180 day period, the most recent property tax valuation asserted by the taxpayer on the property tax return or on appeal shall prevail and shall be deemed the value established on such appeal unless a time extension is granted under subparagraph

(C) of this paragraph. If no such assertion of value was submitted by the taxpayer, the appeal shall be forwarded to the county board of equalization.

(C) Upon a sufficient showing of good cause by reason of unforeseen circumstances proven to the commissioner prior to the expiration of the additional 180 day period provided for under subparagraph (B) of this paragraph, the commissioner shall be authorized to provide for a time extension beyond the end of such additional 180 day period. The duration of any such time extension shall be specified in writing by the commissioner and shall also be posted on the website of the county board of tax assessors if such a website is available. If the county board of tax assessors fails to make its determination and notify the taxpayer and the taxpayer's attorney not later than the last day of such time extension, the most recent property tax valuation asserted by the taxpayer on the property tax return or on appeal shall prevail and shall be deemed the value established on such appeal. If no such assertion of value was submitted by the taxpayer, the appeal shall be forwarded to the county board of equalization. In addition, the commissioner shall be authorized to require additional training or require such other remediation as the commissioner may deem appropriate for failure to meet the deadline imposed by the commissioner under this subparagraph.

(4) The determination by the county board of tax assessors of questions of factual characteristics of the property under appeal, as opposed to questions of value, shall be prima-facie correct in any appeal to the county board of equalization. However, the board of tax assessors shall have the burden of proving its opinions of value and the validity of its proposed assessment by a preponderance of evidence.

(5) The county board of equalization shall determine all questions presented to it on the basis of the best information available to the board.

(6)(A) Within 15 days of the receipt of the notice of appeal, the county board of equalization shall set a date for a hearing on the questions presented and shall so notify the taxpayer and the county board of tax assessors in writing. Such notice shall be sent by first-class mail to the taxpayer and to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent. Such notice shall be transmitted by e-mail to the county board of tax assessors if such board has adopted a written policy consenting to electronic service, and, if it has not, then such notice shall be sent to such board by first-class mail or intergovernmental mail. Such written notice shall advise each party that they may request a list of witnesses, documents, or other written evidence to be presented at the hearing by the other party, which shall be provided to the requesting party not less than seven days prior to the time of the hearing. Any failure to comply with this requirement shall be grounds for an automatic continuance or for exclusion of such witness, documents, or other written evidence. A taxpayer may appear before the board of equalization concerning any appeal in person, by his or her authorized agent or representative, or both. The taxpayer shall specify in writing to the board of equalization the name of any such agent or representative prior to any appearance by the agent or representative before the board.

(B) Within 30 days of the date of notification to the taxpayer of the hearing required in this paragraph but not earlier than 20 days from the date of such notification to the taxpayer, the county board of equalization shall hold such hearing to determine the questions presented.

(C) If more than one ~~contiguous~~ property of a taxpayer is under appeal, the board of equalization shall, upon request of the taxpayer, consolidate all such appeals in one hearing and render separate decisions as to each parcel or item of property. Any appeal from such a consolidated board of equalization hearing to the superior court as provided in this subsection shall constitute a single civil action, and, unless the taxpayer specifically so indicates in his or her notice of appeal, shall apply to all such parcels or items of property.

(D)(i) The board of equalization shall ~~render~~ announce its decision on each appeal at the conclusion of the hearing ~~under~~ held in accordance with subparagraph (B) of this paragraph before proceeding with another hearing. The decision of the county board of equalization shall be in writing, shall be signed by each member of the board, shall specifically decide each question presented by the appeal, shall specify the reason or reasons for each such decision as to the specific issues of taxability, uniformity of assessment, value, or denial of homestead exemptions depending upon the specific issue or issues raised by the taxpayer in the course of such taxpayer's appeal, shall state that with respect to the appeal no member of the board is disqualified from acting by virtue of subsection (j) of this Code section, and shall certify the date on which notice of the decision is given to the parties. Notice of the decision shall be delivered by hand to each party, with written receipt, or given to each party by sending a copy of the decision by registered or certified mail or statutory overnight delivery to the appellant and by filing the original copy of the decision with the county board of tax assessors. Each of the three members of the county board of equalization must be present and must participate in the deliberations on any appeal. A majority vote shall be required in any matter. All three members of the board ~~must~~ shall sign the decision indicating their vote.

(ii) Except as otherwise provided in subparagraph (g)(4)(B) of this Code section, the county board of tax assessors shall use the valuation of the county board of equalization in compiling the tax digest for the county for the year in question and shall indicate such valuation as the previous year's value on the property tax notice of assessment of such taxpayer for the immediately following year rather than substituting the valuation which was changed by the county board of equalization.

(iii)(I) If the county's tax bills are issued before ~~the county board of equalization has rendered decision on property which is on appeal~~ an appeal has been finally determined, the county board of tax assessors shall specify to the county tax commissioner the lesser of the valuation in the ~~year preceding the year in which the appeal was filed~~ last year for which taxes were finally determined to be due on the property or 85 percent of the current year's value, unless the property in issue is homestead property and 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 amount shall be the basis for a temporary tax bill to be issued; provided, however, that ~~the~~ a nonhomestead owner of a single property valued at $2 million or more may elect to pay the temporary tax bill which specifies 85 percent of the current year's valuation; or, such owner may elect to pay the amount of the difference between the 85 percent tax bill based on the current year's valuation and the tax bill based on the valuation from the last year for which taxes were finally determined to be due on the property in conjunction with the amount of the tax bill based on valuation from the last year for which taxes were finally determined to be due on the property, to the tax commissioner's office. Only the amount which represents the difference between the tax bill based on the current year's valuation and the tax bill based on the valuation from the last year for which taxes were finally determined to be due will be held in an escrow account by the tax commissioner's office. Once the appeal is concluded, the escrowed funds shall be released by the tax commissioner's office to the prevailing party. The taxpayer may elect to pay the temporary tax bill in the amount of 100 percent of the current year's valuation if no substantial 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) For the purposes of this Code section, any final value that causes a ~~deduction~~ reduction 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 with interest, as provided in subsection (m) of this Code section. ~~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) 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 provided in subsection (m) of this Code section. ~~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.~~

(7) The clerk of the superior court shall furnish the county board of equalization necessary facilities and ~~secretarial and clerical~~ administrative help. The clerk of the superior court shall see that the records and information of the county board of tax assessors are transmitted to the county board of equalization. The county board of equalization ~~must~~ shall consider in the performance of its duties the information furnished by the county board of tax assessors and the taxpayer.

(8) The taxpayer or his or her agent or representative may submit in support of his or her appeal the most current report of the sales ratio study for the county conducted pursuant to Code Section 48-5-274. The board ~~must~~ shall consider the study upon any such request.

(9) If at any time during the appeal process to the county board of equalization and after certification by the county board of tax assessors to the county board of equalization, the county board of tax assessors and the taxpayer mutually agree in writing on the fair market value, then the county board of tax assessors, or the county board of equalization, as the case may be, shall enter the agreed amount in all appropriate records as the fair market value of the property under appeal, and the appeal shall be concluded. The provisions in subsection (c) of Code Section 48-5-299 shall apply to the valuation unless otherwise waived by both parties.

(10) Within ten days of a final determination of value under this Code section with no further option to appeal, the county board of tax assessors shall forward that final determination of value to the tax commissioner.

(e.1)(1) For any dispute involving the value or uniformity of a parcel of nonhomestead real property with a fair market value in excess of ~~$1 million~~ $750,000.00 as shown on the taxpayer's annual notice of current assessment under Code Section 48-5-306, at the option of the taxpayer, an appeal may be submitted to a

hearing officer in accordance with this subsection. If such taxpayer owns nonhomestead real property contiguous to such qualified nonhomestead real property, at the option of the taxpayer, such contiguous property may be consolidated with the qualified property for purposes of the hearing under this subsection.

(2) Individuals desiring to serve as hearing officers and who are either state certified general real property appraisers or state certified residential real property appraisers as classified by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board shall complete and submit an application, a list of counties the hearing officer is willing to serve, disqualification questionnaire, and resume and be approved by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board to serve as a hearing officer. Such board shall annually publish a list of qualified and approved hearing officers for Georgia.

(3) The clerk of the superior court shall furnish any hearing officer so selected the necessary facilities.

(4) An appeal shall be effected by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by filing with the county board of tax assessors a notice of appeal to a hearing officer within 45 days from the date of mailing the notice of assessment pursuant to Code Section 48-5-306. A written objection to an assessment of real property received by a county board of tax assessors stating the taxpayer's election to appeal to a hearing officer and showing the location of the real property contained in the assessment notice shall be deemed a notice of appeal by the taxpayer.

(5) The county board of tax assessors may for no more than 90 days review the taxpayer's written appeal, and if either changes or corrections are made by the county board of tax assessors, or if no changes are made, the board shall notify the taxpayer in writing of ~~such changes~~ the board's decision. If within 30 days of the mailing of such notice the taxpayer notifies the county board of tax assessors in writing that ~~such changes or corrections are~~ the board's decision is not acceptable, the county board of tax assessors shall, within 30 days of the date of mailing of such taxpayer's notification, ~~send or deliver~~ certify the notice of appeal and send or deliver all necessary papers to the clerk of the superior court and mail a copy to the taxpayer.

(6)(A) The clerk of superior court shall randomly select from such list a hearing officer who shall have experience or expertise in hearing or appraising the type of property that is the subject of appeal to hear the appeal, unless the taxpayer and the county board of tax assessors mutually agree upon a hearing officer from such list. The clerk of the superior court shall notify the taxpayer and the taxpayer's attorney of the name of the hearing officer and transmit a copy of the hearing officer's disqualification questionnaire and resume provided for under paragraph (2) of this subsection. The hearing officer, in conjunction with all parties to the appeal, shall set a time and place to hear evidence and testimony from both parties. The hearing shall take place in the county where the property is located, or such other place as mutually agreed to by the parties and the hearing officer. The hearing officer shall provide electronic or written notice to the parties personally or by registered or

certified mail or statutory overnight delivery not less than ten days before the hearing. Such written notice shall advise each party that documents or other written evidence to be presented at the hearing by a party must be provided to the other party not less than seven days prior to the time of the hearing and that any failure to comply with this requirement shall be grounds for an automatic continuance or for exclusion of such documents or other written evidence.

(B) If the clerk of the superior court, after a diligent search, cannot find a qualified hearing officer who is willing to serve, the clerk of the superior court shall transfer the certification of the appeal to the county or regional board of equalization and notify the taxpayer and the taxpayer's attorney and the county board of tax assessors of the transmittal of such appeal.

(7) The hearing officer shall swear in all witnesses, perform the powers, duties, and authority of a county or regional board of equalization, and determine the fair market value of the real property based upon the testimony and evidence presented during the hearing. Any issues other than fair market value and uniformity raised in the appeal shall be preserved for appeal to the superior court. The board of tax assessors shall have the burden of proving its opinion of value and the validity of its proposed assessment by a preponderance of evidence. At the conclusion of the hearing, the hearing officer shall notify both parties of the decision verbally and shall send ~~the taxpayer~~ both parties the decision in writing.

(8) The taxpayer or the board of tax assessors may appeal the decision of the hearing officer to the superior court as provided in subsection (g) of this Code section.

(9) If, at any time during the appeal under this subsection, the taxpayer and the county board of tax assessors execute a signed written agreement on the fair market value and any other issues raised~~,~~; the appeal shall terminate as of the date of such signed agreement; ~~and~~ the fair market value as set forth in such agreement shall become final; and subsection (c) of Code Section 48-5-299 shall apply. The provisions contained in this paragraph may be waived at any time by written consent of the taxpayer and the county board of tax assessors.

(10) Each hearing officer shall be compensated by the county for time expended in considering appeals. The compensation shall be paid at a rate of not less than $75.00 per hour for the first hour and not less than $25.00 per hour for each hour thereafter as determined by the county governing authority or as may be agreed upon by the parties with the consent of the county governing authority. Compensation pursuant to this paragraph shall be paid from the county treasury upon certification by the hearing officer of the hours expended in hearing of appeals. The attendance at any training required by the commissioner shall be part of the qualifications of the hearing officer, and any nominal cost of such training shall be paid by the hearing officer. ~~If the clerk of the superior court, after diligent search, cannot find a qualified hearing officer who is willing to serve, the clerk of the superior court shall notify the county board of tax assessors in writing. The county board of tax assessors shall then certify the appeal to the county or regional board of equalization.~~

(11) The commissioner shall promulgate rules and regulations for the proper administration of this subsection, including, but not limited to, ~~a uniform appeal form;~~ qualifications; training, including an eight-hour course on Georgia property law, Georgia evidence law, preponderance of evidence, burden of proof, credibility of the witnesses, and weight of evidence; disqualification questionnaire; selection; removal; an annual continuing education requirement of at least four hours of instruction in recent legislation, current case law, and updates on appraisal and equalization procedures, as prepared and required by the commissioner; and any other matters necessary to the proper administration of this subsection. The failure of any hearing officer to fulfill the requirements of this paragraph shall render that person ineligible to serve. Such rules and regulations shall also include a uniform appeal form which shall require the initial assertion of a valuation of the property by the taxpayer. Any such assertion of value shall be subject to later revision by the taxpayer based upon written evidence. The commissioner shall seek input from all interested parties prior to such promulgation.

(f) **Arbitration.**

(1) As used in this subsection, the term 'certified appraisal' means an appraisal or appraisal report given, signed, and certified as such by a real property appraiser as classified by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board.

(2) At the option of the taxpayer, an appeal shall be submitted to arbitration in accordance with this subsection.

(3)(A) Following an election by the taxpayer to use the arbitration provisions of this subsection, an arbitration appeal shall be effected by the taxpayer by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by filing a written notice of arbitration appeal with the county board of tax assessors. The notice of arbitration appeal shall specifically state the grounds for arbitration. The notice shall be filed within 45 days from the date of mailing the notice pursuant to Code Section 48-5-306. Within ten days of receipt of a taxpayer's notice of arbitration appeal, the board of tax assessors shall send to the taxpayer an acknowledgment of receipt of the appeal; a notice that the taxpayer ~~must~~ shall, within 45 days of the ~~filing of the notice~~ date of transmittal of the acknowledgment of receipt of the appeal, provide to the board of assessors for consideration a copy of a certified appraisal; and a confirmation of the amount of the filing fees, if any, required under Code Section 15-6-77 and notice that within 45 days of the date of transmittal of the acknowledgment of receipt of the appeal, the taxpayer shall pay to the clerk of the superior court the fees, if any, if the county board of tax assessors rejects the appraisal. Failure of the taxpayer to provide such certified appraisal and filing fees within such 45 days shall terminate the appeal unless the taxpayer within such 45 day period elects to have the appeal immediately forwarded to the board of equalization. Prior to appointment of the arbitrator and within 45 days of ~~filing the notice of~~ the acknowledgment of the receipt of the appeal, the taxpayer shall provide a copy of the certified appraisal as specified in

this paragraph to the board of assessors for consideration. Within 45 days of receiving the taxpayer's certified appraisal, the board of assessors shall either accept the taxpayer's appraisal, in which case that value shall become final, or the county board of tax assessors shall reject the taxpayer's appraisal by sending within ten days of the date of such rejection a written notification by certified mail of such rejection to the taxpayer and the taxpayer's attorney of record, in which case the county board of tax assessors shall certify within 45 days the appeal to the clerk of the superior court of the county in which the property is located along with any other papers specified by the person seeking arbitration under this subsection, including, but not limited to, the staff information from the file used by the county board of tax assessors. In the event the taxpayer is not notified of a rejection of the taxpayer's appraisal within such ten-day period, the taxpayer's appraisal value shall become final. In the event that the county board of tax assessors neither accepts nor rejects the value set out in the certified appraisal within ~~such 45 day period~~ 45 days after the receipt of the certified appraisal, then the certified appraisal shall become the final value, and the filing fees shall be returned to the taxpayer. In any case where a taxpayer properly filed for the 2009 tax year a notice of binding arbitration appeal and provided the required certified appraisal in accordance with this paragraph and the board of assessors neither accepted nor rejected the value set out in such certified appraisal within the 30 day period formerly specified under this subparagraph, then for purposes of the 2009 tax year, the value set forth in the taxpayer's certified appraisal shall be deemed the final value. All papers and information certified to the clerk shall become a part of the record on arbitration. At the time of certification of the appeal, the county board of tax assessors shall serve the taxpayer and the taxpayer's attorney of record, if any, or employee with a copy of the certification along with any other papers specified by the person seeking arbitration along with the civil action file number assigned to the appeal. Within 15 days of filing the certification to the clerk of the superior court, the presiding or chief judge of the superior court of the circuit in which the property is located shall issue an order authorizing the arbitration.

(B) At any point, the county board of tax assessors and the taxpayer may execute a signed, written agreement establishing the fair market value without entering into or completing the arbitration process. The fair market value as set forth in such agreement shall become the final value.

~~(B)~~(C) The arbitration shall be conducted pursuant to the following procedure:

(i) The county board of tax assessors shall, at the time the appeal is certified to the clerk of the superior court under subparagraph (A) of this paragraph, provide to the taxpayer a notice of a meeting time and place to decide upon an arbitrator, to occur within 60 days after the date of sending the rejection of the taxpayer's certified appraisal. Following the notification of the taxpayer of the date and time of the meeting, the taxpayer shall be authorized to exercise a one-time option of changing the date and time of the meeting to a date and time acceptable to the taxpayer and the county board of tax assessors. If the parties agree, the matter

shall be submitted to a single arbitrator chosen by the parties. ~~If~~ Only if the parties cannot agree on the single arbitrator, the arbitrator shall be chosen by the presiding or chief judge of the superior court of the circuit in which the property is located within 30 days after the filing of a petition by either party;

(ii) In order to be qualified to serve as an arbitrator, a person shall be classified as a state certified general real property appraiser or state certified residential real property appraiser pursuant to the rules and regulations of the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board and shall have experience or expertise in appraising the type of property that is the subject of the arbitration;

(iii) The arbitrator, within 30 days after his or her appointment, shall set a time and place to hear evidence and testimony from both parties. The arbitrator shall provide written notice to the parties personally or by registered or certified mail or statutory overnight delivery not less than ten days before the hearing. Such written notice shall advise each party that documents or other written evidence to be presented at the hearing by a party must be provided to the other party not less than seven days prior to the time of the hearing and that any failure to comply with this requirement, unless waived by mutual written agreement of such parties, shall be grounds for a continuance or for exclusion of such documents or other written evidence. The arbitrator, in consultation with the parties, may adjourn or postpone the hearing. Following notification of the taxpayer of the date and time of the hearing, the taxpayer shall be authorized to exercise a one-time option of changing the date and time of the hearing to a date and time acceptable to the taxpayer and the county board of tax assessors. The presiding or chief judge of the superior court of the circuit in which the property is located may direct the arbitrator to proceed promptly with the hearing and the determination of the appeal upon application of any party. The hearing shall occur in the county in which the property is located or such other place as may be agreed upon in writing by the parties;

(iv) At the hearing, the parties shall be entitled to be heard, to present documents, testimony, and other matters, and to cross-examine witnesses. The arbitrator may hear and determine the controversy upon the documents, testimony, and other matters produced notwithstanding the failure of a party duly notified to appear;

(v) The arbitrator shall maintain a record of all pleadings, documents, testimony, and other matters introduced at the hearing. The arbitrator or any party to the proceeding may have the proceedings transcribed by a court reporter;

(vi) The provisions of this paragraph may be waived at any time by written consent of the taxpayer and the board of tax assessors;

(vii) At the conclusion of the hearing, the arbitrator shall render a decision regarding the value of the property subject to arbitration;

(viii) In order to determine the value, the arbitrator shall consider ~~a single~~ the final value for the property submitted by the board of assessors and ~~a single~~ the final

value submitted by the taxpayer. The taxpayer shall be responsible for the cost of any appraisal by the taxpayer's appraiser;

(ix) Upon consideration of the ~~single~~ final value submitted by the board of assessors and the ~~single~~ final value submitted by the taxpayer, and evidence supporting the values submitted by the board of assessors and the taxpayer, the arbitrator shall determine which value is the value for the property under appeal;

(x) If the taxpayer's value is determined by the arbitrator to be the value, the county shall be responsible for the clerk of the superior court's fees, if any, and the fees and costs of such arbitrator. If the board of tax assessors' value is determined by the arbitrator to be the value, the taxpayer shall be responsible for the clerk of the superior court's fees, if any, and the fees and costs of such arbitrator; and

(xi) The board of tax assessors shall have the burden of proving its opinion of value and the validity of its proposed assessment by a preponderance of evidence.

(4) The provisions in subsection (c) of Code Section 48-5-299 shall apply to the valuation established or rendered by any county board of equalization, arbitrator, hearing officer, or superior court.

(5)(A) If the county's tax bills are issued before an arbitrator has rendered its decision on property which is on appeal, the county board of tax assessors shall specify to the county tax commissioner the 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 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 structural 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. ~~If the county's tax bills are issued before an arbitrator 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. This amount shall be the basis for a temporary tax bill to be issued. 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.~~

(B) For the purposes of this Code section, any final value that causes a reduction 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 with interest, as provided in subsection (m) of this Code section.

(C) 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 provided in subsection (m) of this Code section.

(g) **Appeals to the superior court.**

(1) The taxpayer or the county board of tax assessors may appeal decisions of the county board of equalization or hearing officer, as applicable, to the superior court of the county in which the property lies. By mutual written agreement, the taxpayer and the county board of tax assessors may waive an appeal to the county board of equalization and initiate an appeal under this subsection. A county board of tax assessors shall not appeal a decision of the county board of equalization or hearing officer, as applicable, changing an assessment by 20 percent or less unless the board of tax assessors gives the county governing authority a written notice of its intention to appeal, and, within ten days of receipt of the notice, the county governing authority by majority vote does not prohibit the appeal. In the case of a joint city-county board of tax assessors, such notice shall be given to the city and county governing authorities, either of which may prohibit the appeal by majority vote within the allowed period of time.

(2) An appeal by the taxpayer as provided in paragraph (1) of this subsection shall be effected by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax assessors a written notice of appeal. An appeal by the county board of tax assessors shall be effected by giving notice to the taxpayer. The notice to the taxpayer shall be dated and shall contain the name and the last known address of the taxpayer. The notice of appeal shall specifically state the grounds for appeal. The notice shall be mailed or filed within 30 days from the date on which the decision of the county board of equalization or hearing officer is ~~mailed~~ delivered pursuant to subparagraph (e)(6)(D) or paragraph (6) of subsection (e.1) of this Code section. Within 45 days of receipt of a taxpayer's notice of appeal, the county board of tax assessors shall send to the taxpayer notice that a settlement conference, in which the county board of assessors and the taxpayer shall confer in good faith, will be held at a specified date and time which shall be no later than 30 days from the notice of the settlement conference, and notice of the amount of the filing fee, if any, required by the clerk of the superior court. The taxpayer may exercise a one-time option to reschedule the settlement conference to a different date and time acceptable to the taxpayer, but in no event later than 30 days from the date of the notice. If at the end of the 45 day review period the county board of tax assessors elects not to hold a settlement conference, then the appeal shall terminate and the taxpayer's stated value shall be entered in the records of the board of tax assessors as the fair market value for the year under appeal. If the appellant chooses not to participate in the settlement conference, he or she may not seek and shall not be awarded fees and costs at such time when the appeal is settled in superior court. If at the conclusion of the settlement

conference the parties cannot agree on a fair market value, then written notice shall be provided to the taxpayer that the filing fees must be paid by the taxpayer to the clerk of the superior court within ten days of the date of the conference, with a copy of the check delivered to the county board of tax assessors. Upon receipt of proof of payment to the clerk of the superior court, the ~~The~~ county board of tax assessors shall certify to the clerk of the superior court the notice of appeal and any other papers specified by the person appealing including, but not limited to, the staff information from the file used by the county board of tax assessors, the county board of equalization, or the hearing officer. All papers and information certified to the clerk shall become a part of the record on appeal to the superior court. At the time of certification of the appeal, the county board of tax assessors shall serve the taxpayer and his or her attorney of record, if any, with a copy of the notice of appeal and with the civil action file number assigned to the appeal. Such service shall be effected in accordance with subsection (b) of Code Section 9-11-5. No discovery, motions, or other pleadings may be filed by the county board of tax assessors in the appeal until such service has been made.

(3) The appeal shall constitute a de novo action. The board of tax assessors shall have the burden of proving its opinions of value and the validity of its proposed assessment by a preponderance of evidence. Upon a failure of the board of tax assessors to meet such burden of proof, the court may, upon motion or sua sponte, authorize the finding that the value asserted by the taxpayer is unreasonable and authorize the determination of the final value of the property.

(4)(A) The appeal shall be placed on the court's next available jury or bench trial calendar, at the taxpayer's election, following the filing of the appeal unless continued by the court ~~upon a showing of good cause~~. If only questions of law are presented in the appeal, the appeal shall be heard as soon as practicable before the court sitting without a jury. Each hearing before the court sitting without a jury at the taxpayer's election shall be held within 30 days following the date on which the appeal is filed with the clerk of the superior court. ~~The time of any hearing shall be set in consultation with the taxpayer and at a time acceptable to the taxpayer between the hours of 8:00 A.M. and 7:00 P.M. on a business day.~~

(B)(i) The county board of tax assessors shall use the valuation of the county board of equalization or the hearing officer, as applicable, in compiling the tax digest for the county.

(ii)(I) If the final determination of value on appeal is less than the valuation ~~set by the county board of equalization or hearing officer, as applicable, the taxpayer shall receive a deduction in such~~ thus used, the tax commissioner shall be authorized to adjust the taxpayer's ~~taxes~~ tax bill to reflect the final value 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.~~

(II) If the final determination of value on appeal causes a reduction in taxes and creates a refund that is owed to the taxpayer, it shall be paid by the tax commissioner to the taxpayer, entity, or transferee who paid the taxes with interest, as provided in subsection (m) of this Code section.

~~(ii)~~(III) If the final determination of value on appeal is 80 percent or less of the valuation set by the county board of ~~equalization or hearing officer~~ tax assessors as to commercial property, or 85 percent or less of the valuation set by the county board of tax assessors as to other property, the taxpayer, in addition to the interest provided for by this paragraph, shall recover costs of litigation and reasonable attorney's fees incurred in the action. Any appeal of an award of attorney's fees by the county shall be specifically approved by the governing authority of the county.

(iii) If the final determination of value on appeal is greater than the valuation set by the county board of equalization or hearing officer, as applicable, ~~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 same 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 tax was due to the date the additional taxes are remitted, but in no event shall the amount of such interest exceed $150.00~~ and causes an increase in taxes and creates an additional billing, it shall be paid to the tax commissioner as any other tax due along with interest, as provided in subsection (m) of this Code section.

(h) **Recording of interviews.**

In the course of any assessment, appeal, or arbitration, or any related proceeding, the taxpayer shall be entitled to make recordings of any interview with any officer or employee of the taxing authority relating to the valuation of the taxpayer's property subject to such assessment, appeal, arbitration, or related proceeding, at the taxpayer's expense and with equipment provided by the taxpayer, and no such officer or employee may refuse to participate in an interview relating to such valuation for reason of the taxpayer's choice to record such interview.

(i) **Alternate members of boards of equalization.**

Alternate members of the county board of equalization in the order in which selected shall serve:

(1) As members of the county board of equalization in the event there is a permanent vacancy on the board created by the death, ineligibility, removal from the county, or incapacitating illness of a member or by any other circumstances. An alternate member who fills a permanent vacancy shall be considered a member of the board for the remainder of the unexpired term;

(2) In any appeal with respect to which a member of the board is disqualified and shall be considered a member of the board; or

(3) In any appeal at a regularly scheduled or called meeting in the absence of a member and shall be considered a member of the board.

(j) **Disqualification.**

(1) No member of the county board of equalization and no hearing officer shall serve with respect to any appeal concerning which he or she would be subject to a challenge for cause if he or she were a member of a panel of jurors in a civil case involving the same subject matter.

(2) The parties to an appeal to the county board of equalization or to a hearing officer shall file in writing with the appeal, in the case of the person appealing, or, in the case of the county board of tax assessors, with the certificate transmitting the appeal, questions relating to the disqualification of members of the county board of equalization or hearing officer. Each question shall be phrased so that it can be answered by an affirmative or negative response. The members of the county board of equalization or hearing officer shall, in writing under oath within two days of their receipt of the appeal, answer the questions and any question which may be adopted pursuant to subparagraph (e)(1)(D) of this Code section. Answers of the county board of equalization or hearing officers shall be part of the decision of the board or hearing officer and shall be served on each party by first-class mail. Determination of disqualification shall be made by the judge of the superior court upon the request of any party when the request is made within two days of the response of the board or hearing officer to the questions. The time prescribed under subparagraph (e)(6)(A) of this Code section shall be tolled pending the determination by the judge of the superior court.

(3) It shall be the duty of the clerk of the superior court to make a thorough and complete investigation of any complaint filed with respect to the actions of any member of a county board of equalization regarding technical competency, compliance with state law and regulations based upon advice from the county attorney, or rude or unprofessional conduct or behavior towards any member of the public. The clerk of the superior court shall issue a written report of investigation findings, which shall include such evaluations, judgments, and recommendations as the clerk of the superior court deems appropriate, and shall forward such report to the grand jury. The findings of the report may be grounds for removal of a member of the board of equalization by the grand jury for failure to perform the duties required under this Code section.

(k) **Compensation of board of equalization members.**

Each member of the county board of equalization shall be compensated by the county per diem for time expended in considering appeals. The compensation shall be paid at a rate of not less than $25.00 per day and shall be determined by the county governing authority. The attendance at required approved appraisal courses shall be part of the official duties of a member of the board, and he or she shall be paid for each day in attendance at such courses and shall be allowed reasonable expenses necessarily incurred in connection with such courses. Compensation pursuant to this subsection shall be paid from the county treasury upon certification by the member of the days expended in consideration of appeals.

(l) **Military service.** In the event of the absence of an individual from such individual's residence because of duty in the armed forces, the filing requirements set forth in paragraph (3) of subsection (f) of this Code section shall be tolled for a period of 90 days. During this period, any member of the immediate family of the individual, or a friend of the individual, may notify the tax receiver or the tax commissioner of the individual's absence due to military service and submit written notice of representation for the limited purpose of the appeal. Upon receipt of this notice, the tax receiver or the tax commissioner shall initiate the appeal.

(m) **~~Refunds~~ Interest.**

~~In the event a refund is owed to the taxpayer, such refund shall be paid to the taxpayer within 60 days of the last date upon which an appeal may be filed, or the date the final determination of value is established on appeal, whichever is later. Any refund paid after the sixtieth day shall accrue interest from the sixtieth day until paid with interest at the same rate as specified in Code Section 48-2-35.~~

(1) For the purposes of this Code section, any final value that causes a reduction 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 the date on which the refund is 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.

(2) 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 the date on which 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, and late and collection notices shall apply as prescribed in this chapter for the collection of delinquent taxes.

(n) **Service of notice.**

A notice of appeal to a board of tax assessors under subsection (e), (e.1), (f), or (g) of this Code section shall be deemed filed as of the date of the United States Postal Service postmark, receipt of delivery by statutory overnight delivery, or, if the board of tax assessors has adopted a written policy consenting to electronic service, by transmitting a copy to the board of tax assessors via e-mail in portable document format using all e-mail addresses provided by the board of tax assessors and showing in the subject line of the e-mail message the words 'STATUTORY ELECTRONIC SERVICE' in capital letters. Service by mail, statutory overnight delivery, or electronic transmittal is complete upon such service. Proof of service may be made within 45 days of receipt of the annual notice of current assessment under Code Section 48-5-306 to the taxpayer by certificate of the taxpayer, the taxpayer's attorney, or the taxpayer's employee by written admission or by affidavit. Failure to make proof of service shall not affect the validity of service.

(o) When a taxpayer authorizes an attorney in writing to act on the taxpayer's behalf, all notices required to be provided to the taxpayer regarding hearing times, dates, certifications, or official actions shall instead be provided to such attorney."

SECTION 10.

Said title is further amended in Code Section 48-5-345, relating to county tax digests and deviations from certain assessment ratio, by adding a new subsection to read as follows:

"(c) Beginning with tax digests on or after the effective date of this subsection, no county shall be subject to the assessment authorized by subparagraph (b) of this Code section."

SECTION 11.

Said title is further amended by revising Code Section 48-5-492, relating to issuance of mobile home location permits, as follows:

"48-5-492.

(a) Each year every owner of a mobile home subject to taxation under this article shall obtain on or before ~~May~~ April 1 from the tax collector or tax commissioner of the county of taxation of the mobile home a mobile home location permit. The issuance of the permit by the tax collector or tax commissioner shall be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the commissioner. Each decal shall reflect the county of issuance and the calendar year for which the permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

(b) Except as provided for mobile homes owned by a dealer, no mobile home location permit shall be issued by the tax collector or tax commissioner until all ad valorem taxes due on the mobile home have been paid. Each year every owner of a mobile

home situated in this state on January 1 which is not subject to taxation under this article shall obtain on or before ~~May~~ April 1 from the tax collector or tax commissioner of the county where the mobile home is situated a mobile home location permit. The issuance of the permit shall be evidenced by the issuance of a decal which shall reflect the county of issuance and the calendar year for which the permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner."

SECTION 12.

Said title is further amended in Code Section 48-5-493, relating to penalties for failure to attach and display certain decals, by revising paragraph (2) of subsection (a) as follows:

"(2) Any person who violates paragraph (1) of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ~~$25.00~~ $100.00 nor more than ~~$200.00~~ $300.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a summons, the fine shall be ~~$25.00~~ $50.00; provided, however, that in the event such person owns more than one mobile home in an individual mobile home park, then the maximum fine under this paragraph for that person with respect to such mobile home park shall not exceed $1,000.00."

SECTION 13.

Said title is further amended by revising Code Section 48-5-494, relating to mobile home tax returns and decal application and issuance, as follows:

"48-5-494.

Each year every owner of a mobile home subject to taxation under this article shall return the mobile home for taxation and shall pay the taxes due on the mobile home at the time the owner applies for the mobile home location permit, or at the time of the first sale or transfer of the mobile home after December 31, or on ~~May~~ April 1, whichever occurs first. If the owner returns such owner's mobile home for taxation prior to the date that the application for the mobile home location permit is required, such owner shall apply for the permit at the time such owner returns the mobile home for taxation."

SECTION 14.

Said title is further amended in Code Section 48-6-2, relating to real estate transfer tax exemptions, by revising subsection (b) as follows:

"(b) In order to exercise any exemption provided in this Code section, the total consideration of the transfer shall be shown, and the fair market value of real and personal property conveyed shall be shown on the form prescribed in subsection (c) of Code Section 48-6-4."

SECTION 15.

Said title is further amended in Code Section 48-6-4, relating to real estate transfer tax payment as certain filing prerequisites, by revising subsections (a), (b), and (c) as follows:

"(a) It is the intent of the General Assembly that the tax imposed by this article be paid to the clerk of the superior court or his or her deputy, and that the fair market value of real and personal property conveyed shall be shown separately on the form prescribed in subsection (c) of this Code section, prior to and as a prerequisite to the filing for record of any deed, instrument, or other writing described in Code Section 48-6-1.

(b) No deed, instrument, or other writing described in Code Section 48-6-1 shall be filed for record or recorded in the office of the clerk of the superior court or filed for record or recorded in or on any other official record of this state or of any county until the tax imposed by this article has been paid and until the fair market value of real and personal property conveyed has been shown separately on the form prescribed in subsection (c) of this Code section; provided, however, that any such deed, instrument, or other writing filed or recorded which would otherwise constitute constructive notice shall constitute such notice whether or not such tax was in fact paid.

(c) The amount of tax to be paid on a deed, instrument, or other writing shall be determined on the basis of written disclosure of the consideration or value of the interest in the property granted, assigned, transferred, or otherwise conveyed. The disclosure of the amount of tax and the fair market value shall be made on a form or in electronic format prescribed by the commissioner and provided by the clerk of the superior court. By the fifteenth day of the month following the month the deed, instrument, or other writing is recorded, a physical or electronic copy of each disclosure shall be forwarded or made available electronically to the state auditor and to the tax commissioner and the board of tax assessors in the county where the deed, instrument, or other writing is recorded."

SECTION 16.

This Act shall become effective on January 1, 2015.

SECTION 17.

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

The following amendment was read and adopted:

Representatives Hamilton of the 24th and Battles of the 15th offer the following amendment:

Amend the substitute to HB 295 (LC 34 4178ERS) by deleting lines 401 through 427 and inserting in lieu thereof the following:

(4)(A)(i) When used in this paragraph, the term 'appeal administrator' shall mean the clerk of superior court or another individual appointed by and serving at the

pleasure of the clerk of superior court to perform administrative and oversight duties for the board of equalization, as required by this Code section. If the clerk opts to employ another individual to serve as the appeal administrator, such person shall not be an employee of the county governing authority, the county board of tax assessors, the county tax commissioner or, in counties where there is no tax commissioner, the tax collector, the county board of education, or any court, agency, department, or entity that receives funding from the county governing authority or any municipal governing authority that benefits from local ad valorem property taxation. When the clerk of superior court serves as administrator, he or she shall be authorized to designate an employee of his or her office to assist him or her with administrative duties required of him or her by this Code section. The appeal administrator shall be compensated monthly in an amount not less than:

Number of Appeals Filed In Preceding Calendar Year	Monthly Salary
0-300	$ 300.00
301-500	400.00
501-1,000	500.00
1,001 or more	600.00

The county governing authority shall be authorized to compensate the appeal administrator in an amount greater than the minimum monthly compensation amount. When the clerk of superior court serves as appeal administrator, such compensation shall be retained by the clerk of superior court as his or her personal funds without regard to any other method of compensation he or she receives for his or her services as clerk of superior court.

(ii) The ~~clerk of the superior court~~ appeal administrator shall have oversight over and supervision of all boards of equalization of the county and hearing officers. ~~This~~ When the clerk of superior court serves as appeal administrator, oversight and supervision shall include, but not be limited to, requiring appointment of members of county boards of equalization by the grand jury; giving the notice of the appointment of members and alternates of the county board of equalization by the county grand jury as required by Code Section 15-12-81; collecting the names of possible appointees; collecting information from possible appointees as to their qualifications; presenting the names of the possible appointees to the county grand jury; processing the appointments as required by paragraph (4) of subsection (c) of this Code section, including administering the oath of office to the newly appointed members and alternates of the county board of equalization as required by paragraph (5) of such subsection; instructing the newly appointed members and alternates as to the training they must receive and the operations of the county board of equalization; presenting to the grand jury of the county the names of possible appointees to fill vacancies as provided in paragraph (3) of such

subsection; maintaining a roster of board members and alternates, maintaining a record showing that the board members and alternates completed training, keeping attendance records of board members and alternates for the purpose of payment for service, ~~and~~ maintaining the uniform application forms, and keeping a record of the appointment dates of board members and alternates and their terms in office; and informing the county board of equalization that it must establish by regulation procedures for conducting appeals before the board as required by paragraph (3) of this subsection ~~(d) of this Code section~~. When a person other than the clerk of superior court serves as appeal administrator, oversight and supervision shall include, but not be limited to, requiring appointment of members of county boards of equalization by the grand jury; notifying the clerk of superior court to facilitate publication of the notice of the appointment of members and alternates of the county board of equalization by the county grand jury as required by Code Section 15-12-81; collecting the names of possible appointees; collecting information from possible appointees as to their qualifications; providing the names of the possible appointees to the clerk of superior court for presentation to the county grand jury; presenting to the clerk of superior court for presentation to the grand jury of the county the names of possible appointees to fill vacancies as provided in paragraph (3) of this subsection; maintaining a roster of board members and alternates, maintaining a record showing that the board members and alternates completed training, keeping attendance records of board members and alternates for the purpose of payment for service, and keeping a record of the appointment dates of board members and alternates and their terms in office; and informing the county board of equalization that it must establish by regulation procedures for conducting appeals before the board as required by paragraph (3) of this subsection. Oversight and supervision shall also include the scheduling of board hearings, assistance in scheduling hearings before hearing officers, and giving notice of the date, time, and place of hearings to the taxpayers and the county board of tax assessors and giving notice of the decisions of the county board of equalization or hearing officer to the taxpayer and county board of tax assessors as required by division (e)(6)(D)(i) of this Code section.

The Committee substitute, as amended, was adopted.

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

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

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

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

On the passage of the Bill, by substitute, as amended, the ayes were 165, nays 3.

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

HB 460. By Representatives Weldon of the 3rd, Battles of the 15th, Benton of the 31st, Black of the 174th and Riley of the 50th:

A BILL to be entitled an Act to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to provide that no person under a sentence of confinement shall be eligible for membership in such retirement fund; to provide that a member of such fund shall not accrue creditable service while under a sentence of confinement; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

HB 701. By Representatives Barr of the 103rd, Willard of the 51st, Oliver of the 82nd, Quick of the 117th, Mabra of the 63rd and others:

A BILL to be entitled an Act to amend Chapter 6 and Article 1 of Chapter 11 of Title 19 of the O.C.G.A., relating to alimony and child support and the

"Child Support Recovery Act," respectively, so as to enact provisions recommended by the Georgia Child Support Commission relating to child support and enforcement of child support orders; to revise definitions used in calculating child support; to clarify that worksheets and the calculator determine monthly child support figures; to clarify provisions relating to gross income; to change provisions relating to the duties of the GCSC; to provide for definitions and correct cross-references relating to the Department of Human Services Bank Match Registry and child support orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 and Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to alimony and child support and the "Child Support Recovery Act," respectively, so as to enact provisions recommended by the Georgia Child Support Commission relating to child support and enforcement of child support orders; to revise definitions used in calculating child support; to clarify that worksheets and the calculator determine monthly child support figures; to clarify provisions relating to gross income; to change provisions relating to the duties of the Georgia Child Support Commission; to provide for definitions and correct cross-references relating to the Department of Human Services Bank Match Registry and child support orders; 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 6 of Title 19 of the Official Code of Georgia Annotated, relating to alimony and child support, is amended by revising paragraphs (1), (3), (6), (18), and (25) of subsection (a) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(1) ~~'Adjusted child support obligation' means the basic child support obligation adjusted by health insurance and work related child care costs~~ Reserved."

"(3) 'Basic child support obligation' means the monthly amount of support displayed on the child support obligation table which corresponds to the combined adjusted income ~~of the custodial parent and the noncustodial parent~~ and the number of children for whom child support is being determined. ~~This amount is rebuttably presumed to be the appropriate amount of child support to be provided by the custodial parent and the noncustodial parent prior to consideration of percentage of income, health insurance, work related child care costs, and deviations.~~"

"(6) 'Child support obligation table' means the chart ~~which displays the dollar amount of the basic child support obligation corresponding to various levels of combined adjusted income of the children's parents and the number of children for whom a child support order is being established or modified. The child support obligation table shall be used to calculate the basic child support obligation according to the provisions of this Code section. For further reference see subsections (n) and~~ in subsection (o) of this Code section."

"(18) 'Preexisting order' means:

(A) An order in another case that requires a parent to make child support payments for another child, which child support the parent is actually paying, as evidenced by documentation as provided in division (f)(5)(B)(iii) of this Code section; and

(B) That the date and time of filing with the clerk of court of the initial order for each such other case is earlier than the date and time of filing with the clerk of court of the initial order in the case immediately before the court, regardless of the age of any child in any of the cases."

"(25) 'Worksheet' or 'child support worksheet' means the ~~worksheet~~ document used to record information necessary to determine and calculate monthly child support. ~~In child support services cases in which neither parent prepared a worksheet, the court may rely solely on the worksheet prepared by the child support services as a basis for its order.~~ For further reference see subsection (m) of this Code section."

SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(b) **Process of calculating child support.** Pursuant to this Code section, the determination of monthly child support shall be calculated as follows:

(1) Determine the monthly gross income of both the custodial parent and the noncustodial parent. Gross income may include imputed income, if applicable. ~~Gross income shall be calculated on a monthly basis.~~ The determination of monthly gross income shall be entered on the Child Support Schedule A – Gross Income;

(2) Adjust each parent's monthly gross income by deducting the following from the parents' monthly gross income and entering it on the Child Support Schedule B – Adjusted Income if any of the following apply:

(A) One-half of the amount of self-employment taxes;

(B) Preexisting orders; and

(C) Theoretical child support order for qualified children, if allowed by the court;

(3) Add each parent's adjusted income together ~~to compute the combined adjusted income~~;

(4) Locate the basic child support obligation by referring to the child support obligation table. Using the figure closest to the amount of the combined adjusted income, locate the amount of the basic child support obligation ~~in the column underneath the number of children for whom support is being determined~~. If the combined adjusted income falls between the amounts shown in the table, then the

basic child support obligation shall be based on the income bracket most closely matched to the combined adjusted income. The basic child support obligation amount stated in subsection (o) of this Code section shall be rebuttably presumed to be the appropriate amount of child support to be provided by the custodial parent and the noncustodial parent prior to consideration of health insurance, work related child care costs, and deviations;

(5) Calculate the pro rata share of the basic child support obligation for the custodial parent and the noncustodial parent by dividing the combined adjusted income into each parent's adjusted income to arrive at each parent's pro rata percentage of the basic child support obligation;

(6) Find the adjusted child support obligation amount by adding the additional expenses of the costs of health insurance and work related child care costs, prorating such expenses in accordance with each parent's pro rata share of the obligation and adding such expenses to the pro rata share of the basic child support obligation. The monthly cost of health insurance premiums and work related child care costs shall be entered on the Child Support Schedule D – Additional Expenses. The pro rata share of the monthly basic child support obligation and the pro rata share of the combined additional expenses shall be added together to create the monthly adjusted child support obligation;

(7) Determine the ~~presumptive~~ amount of child support for the custodial parent and the noncustodial parent resulting in a monthly sum certain ~~single~~ payment due to the custodial parent by assigning or deducting credit for actual payments for health insurance and work related child care costs from the basic child support obligation;

(8) In accordance with subsection (i) of this Code section, deviations subtracted from or ~~increased~~ added to the presumptive amount of child support ~~are~~ shall be applied, if applicable, and if supported by the required findings of fact and application of the best interest of the child standard. The proposed deviations shall be entered on the Child Support Schedule E – Deviations. In the court's or the jury's discretion, deviations may include, but ~~are~~ shall not be limited to, the following:

(A) High income;
(B) Low income;
(C) Other health related insurance;
(D) Life insurance;
(E) Child and dependent care tax credit;
(F) Travel expenses;
(G) Alimony;
(H) Mortgage;
(I) Permanency plan or foster care plan;
(J) Extraordinary expenses;
(K) Parenting time; and
(L) Nonspecific deviations;

(9) Any ~~The final child support order shall be the presumptive amount of child support as increased or decreased by deviations and any~~ benefits which the child

receives under Title II of the federal Social Security Act shall be applied against the final child support order. The final child support amount for each parent shall be entered on the child support worksheet, together with the information from each of the utilized schedules;

(10) The ~~In addition, the~~ parents shall allocate the uninsured health care expenses which shall be based on the pro rata responsibility of the parents or as otherwise ordered by the court. Each parent's pro rata responsibility for uninsured health care expenses shall be entered on the child support worksheet; and

(11) In a split parenting case, there shall be a separate calculation and final child support order for each parent."

SECTION 3.

Said chapter is further amended by revising paragraph (4) of subsection (c) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(4) In all cases, the parties shall submit to the court their worksheets and schedules and the presence or absence of other factors to be considered by the court pursuant to the provisions of this Code section. ~~The child support worksheet and, if there are any deviations, Schedule E shall be attached to the final court order or judgment; provided, however, that any order entered pursuant to Code Section 19-13-4 shall not be required to have such worksheet and schedule attached thereto.~~"

SECTION 4.

Said chapter is further amended by revising subparagraphs (f)(1)(A) and (f)(4)(C), division (f)(5)(A)(i), and subparagraphs (f)(5)(B) and (f)(5)(D) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(A) **Attributable income.** Gross income of each parent shall be determined in the process of setting the presumptive amount of child support and shall include all income from any source, before deductions for taxes and other deductions such as preexisting orders for child support and credits for other qualified children, whether earned or unearned, and includes, but is not limited to, the following:

(i) Salaries;

(ii) Commissions, fees, and tips;

(iii) Income from self-employment;

(iv) Bonuses;

(v) Overtime payments;

(vi) Severance pay;

(vii) Recurring income from pensions or retirement plans including, but not limited to, United States Department of Veterans Affairs, Railroad Retirement Board, Keoghs, and individual retirement accounts;

(viii) Interest income;

(ix) Dividend income;

(x) Trust income;

(xi) Income from annuities;

(xii) Capital gains;

(xiii) Disability or retirement benefits that are received from the Social Security Administration pursuant to Title II of the federal Social Security Act;

(xiv) Disability benefits that are received pursuant to the federal Veterans' Benefits Act of 2010, 38 U.S.C. Section 101, et seq.;

~~(xiv)~~(xv) Workers' compensation benefits, whether temporary or permanent;

~~(xv)~~(xvi) Unemployment insurance benefits;

~~(xvi)~~(xvii) Judgments recovered for personal injuries and awards from other civil actions;

~~(xvii)~~(xviii) Gifts that consist of cash or other liquid instruments, or which can be converted to cash;

~~(xviii)~~(xix) Prizes;

~~(xix)~~(xx) Lottery winnings;

~~(xx)~~(xxi) Alimony or maintenance received from persons other than parties to the proceeding before the court;

~~(xxi)~~(xxii) Assets which are used for the support of the family; and

~~(xxii)~~(xxiii) Other income."

"(C) **Rehearing.** If income is imputed pursuant to subparagraph (A) of this paragraph, the party believing the income of the other party is higher than the amount imputed may provide within 90 days, upon motion to the court, evidence necessary to determine the appropriate amount of child support based upon reliable evidence. A hearing shall be scheduled after the motion is filed. The court may increase, decrease, or leave unchanged the amount of current child support from the date of filing of either parent's initial filing or motion for reconsideration. While the motion for reconsideration is pending, the obligor shall be responsible for the amount of child support originally ordered. Arrearages entered in the original child support order based upon imputed income shall not be forgiven. When there is reliable evidence to support a motion for reconsideration of the amount of income imputed, the party seeking reconsideration shall not be required to ~~demonstrate that there has been a substantial change in either parent's income, financial status, the needs of the child, or other such factors required~~ prove the existence of grounds for modification of an order pursuant to subsection (k) of this Code section."

"(i) Six and ~~one-quarter~~ two-tenths percent of self-employment income up to the maximum amount to which federal old age, survivors, and disability insurance (OASDI) applies; plus"

"(B) **Preexisting orders.** An adjustment to the parent's monthly gross income shall be made on the Child Support Schedule B – Adjusted Income for current preexisting orders ~~actually being paid under an order of support~~ for a period of not less than 12 months immediately prior to the date of the hearing or such period that an order has been in effect if less than 12 months prior to the date of the hearing before the court to set, modify, or enforce child support.

(i) In calculating the adjustment for preexisting orders, the court shall include only those preexisting orders ~~where the date of filing with the clerk of court of the~~

~~initial support order precedes the date of filing with the clerk of court of the initial order in the case immediately under consideration~~ meeting the criteria set forth in subparagraph (a)(18)(B);

(ii) The priority for preexisting orders shall be determined by the date and time of filing with the clerk of court of the initial order in each case. Subsequent modifications of the initial support order shall not affect the priority position established by the date and time of the initial order. In any modification proceeding, the court rendering the decision shall make a specific finding of the date, and time if known, of the initial order of the case;

(iii) Adjustments shall be allowed for current preexisting support only to the extent that the payments are actually being paid as evidenced by documentation including, but not limited to, payment history from a court clerk, ~~a IV-D agency, as defined in Code Section 19-6-31,~~ the child support services' computer data base, the child support payment history, or canceled checks or other written proof of payments paid directly to the other parent. The maximum credit allowed for a preexisting order is an average of the amount of current support actually paid under the preexisting order over the past 12 months prior to the hearing date;

(iv) All preexisting orders shall be entered on the Child Support Schedule B – Adjusted Income for the purpose of calculating the total amount of the credit to be included on the child support worksheet; and

(v) Payments being made by a parent on any arrearages shall not be considered payments on preexisting orders or subsequent orders and shall not be used as a basis for reducing gross income."

"(D) **Multiple family situations.** ~~**Priority of adjustments.**~~ In multiple family situations, the priority of adjustments to a parent's monthly gross income shall be calculated in the following order:

(i) Preexisting orders according to the date and time of the initial order as set forth in subparagraph (B) of this paragraph; and

(ii) Application of ~~After applying the deductions on the Child Support Schedule B – Adjusted Income for preexisting orders, if any, in subparagraph (B) of paragraph (5) of this subsection,~~ any credit for a parent's other qualified children ~~may be considered~~ using the procedure set forth in subparagraph (C) of this paragraph."

SECTION 5.

Said chapter is further amended by revising division (h)(3)(B)(ii) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(ii) Child ~~The child~~ support services shall pursue enforcement of payment of such unpaid expenses only if the unpaid expenses have been reduced to a judgment in a sum certain amount."

SECTION 6.

Said chapter is further amended by revising subparagraph (i)(2)(B) and division (i)(2)(K)(iii) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(B) **Low income.**

(i) If the noncustodial parent ~~requests a low-income deviation, such parent shall~~ can provide evidence sufficient to demonstrate no earning capacity or that his or her pro rata share of the presumptive amount of child support would create an extreme economic hardship for such parent, the court may consider a low-income deviation.

(ii) A noncustodial parent whose sole source of income is supplemental security income received under Title XVI of the federal Social Security Act shall be considered to have no earning capacity.

~~(ii)~~(iii) The ~~In considering a noncustodial parent's request for a low-income deviation, the~~ court or the jury shall examine all attributable and excluded sources of income, assets, and benefits available to the noncustodial parent and may consider all reasonable expenses of the noncustodial parent, ensuring that such expenses are actually paid by the noncustodial parent and are clearly justified expenses.

~~(iii)~~(iv) In considering a ~~noncustodial parent's~~ request for a low-income deviation, the court or the jury shall then weigh the income and all attributable and excluded sources of income, assets, and benefits and all reasonable expenses of each parent, the relative hardship that a reduction in the amount of child support paid to the custodial parent would have on the custodial parent's household, the needs of each parent, the needs of the child for whom child support is being determined, and the ability of the noncustodial parent to pay child support.

~~(iv)~~(v) Following a review of ~~such~~ the noncustodial parent's gross income and expenses, and taking into account each parent's ~~adjusted~~ basic child support obligation adjusted by health insurance and work related child care costs and the relative hardships on the parents and the child, the court or the jury, upon request by either party or upon the court's initiative, may consider a downward deviation to attain an appropriate award of child support which is consistent with the best interest of the child.

~~(v)~~(vi) For the purpose of calculating a low-income deviation, the noncustodial parent's minimum child support for one child shall be not less than $100.00 per month, and such amount shall be increased by at least $50.00 for each additional child for the same case for which child support is being ordered.

~~(vi)~~(vii) A low-income deviation granted pursuant to this subparagraph shall apply only to the current child support amount and shall not prohibit an additional amount being ordered to reduce a noncustodial parent's arrears.

~~(vii)~~(viii) If a low-income deviation is granted pursuant to this subparagraph, such deviation shall not prohibit the court or jury from granting an increase or decrease

to the presumptive amount of child support by the use of any other specific or nonspecific deviation."

"(iii) In accordance with subsection (d) of Code Section 19-11-8, if any action or claim for parenting time or a parenting time deviation is brought under this subparagraph, it shall be an action or claim solely between the custodial parent and the noncustodial parent, and not any third parties, including ~~the~~ child support services."

SECTION 7.

Said chapter is further amended by revising subparagraph (k)(3)(C) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(C) All ~~IV-D~~ child support services' case reviews and modifications shall proceed and be governed by Code Section 19-11-12. Subsequent changes to the child support obligation table shall be a reason to request a review for modification from ~~the IV-D agency~~ child support services to the extent that such changes are consistent with the requirements of Code Section 19-11-12."

SECTION 8.

Said chapter is further amended by revising subsection (m) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(m) **Worksheets.**

(1) ~~The child support worksheet shall be used to record information necessary to determine and calculate child support.~~ Schedules and worksheets shall be prepared by the parties for purposes of calculating the amount of child support. In child support services cases in which neither parent prepared a worksheet, the court may rely on the worksheet prepared by child support services as a basis for its order. Information from the schedules shall be entered on the child support worksheet. The child support worksheet and, if there are any deviations, Schedule E shall be attached to the final court order or judgment; provided, however, that any order entered pursuant to Code Section 19-13-4 shall not be required to have such worksheet and schedule attached thereto.

(2) The child support worksheet and schedules shall be promulgated by the Georgia Child Support Commission."

SECTION 9.

Said chapter is further amended by revising subsection (a) of Code Section 19-6-53, relating to the duties, powers, and authorization of the Georgia Child Support Commission to retain professional services, as follows:

"(a) The commission shall have the following duties:

(1) To study and evaluate the effectiveness and efficiency of Georgia's child support guidelines;

(2) To evaluate and consider the experiences and results in other states which utilize child support guidelines;

(3)~~(A)~~ To create and recommend to the General Assembly a child support obligation table consistent with Code Section 19-6-15~~. Prior to January 1, 2006, the commission shall produce the child support obligation table and provide an explanation of the underlying data and assumptions to the General Assembly by delivering copies to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

~~(B)(i) The child support obligation table shall include deductions from a parent's gross income for the employee's share of the contributions for the first 6.2 percent in Federal Insurance Contributions Act (FICA) and 1.45 percent in medicare taxes.~~

~~(ii) FICA tax withholding for high income persons may vary during the year. Six and two-tenths percent is withheld on the first $90,000.00 of gross earnings. After the maximum $5,580.00 is withheld, no additional FICA taxes shall be withheld.~~

~~(iii) Self-employed persons are required by law to pay the full FICA tax of 12.4 percent up to the $90,000.00 gross earnings limit and the full medicare tax rate of 2.9 percent on all earned income.~~

~~(iv) The percentages and dollar amounts established or referenced in this subparagraph with respect to the payment of self-employment taxes shall be adjusted by the commission, as necessary, as relevant changes occur in the federal tax laws~~;

(4) To determine periodically, and at least every ~~two~~ <u>four</u> years, if the child support obligation table results in appropriate presumptive awards;

(5) To identify and recommend whether and when the child support obligation table or child support guidelines should be modified;

(6) To develop, publish in print or electronically, and update the child support obligation table and worksheets and schedules associated with the use of such table;

(7) To develop or cause to be developed software and a calculator associated with the use of the child support obligation table and child support guidelines <u>and adjust the formula for the calculations of self-employed persons' income pursuant to applicable federal law, if the commission determines that the calculation affects persons paying or receiving child support in this state</u>;

(8) To develop training manuals and information to educate judges, attorneys, and litigants on the use of the child support obligation table and child support guidelines;

(9) To collaborate with the Institute for Continuing Judicial Education, the Institute of Continuing Legal Education, and other agencies for the purpose of training persons who will be utilizing the child support obligation table and child support guidelines;

(10) To make recommendations for proposed legislation;

(11) To study the appellate courts' acceptance of discretionary appeals in domestic relations cases and the formulation of case law in the area of domestic relations;

(12) To study alternative programs, such as mediation, collaborative practice, and pro se assistance programs, in order to reduce litigation in child support and child custody cases; and

(13) To study the impact of having parenting time serve as a deviation to the presumptive amount of child support and make recommendations concerning the utilization of the parenting time adjustment."

SECTION 10.

Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the "Child Support Recovery Act," is amended by revising Code Section 19-11-3, relating to definitions for the Child Support Recovery Act, as follows:

"19-11-3.

As used in this article, the term:

(1) 'Account' means a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or a money market mutual fund account.

~~(1)~~(2) 'Court order for child support' means any order for child support issued by a court or administrative or quasi-judicial entity of this state or another state, including an order in a criminal proceeding which results in the payment of child support as a condition of probation or otherwise. Such order shall be deemed to be a IV-D order for purposes of this article when either party to the order submits a copy of the order for support and a signed application to the department for IV-D services, when the right to child support has been assigned to the department pursuant to subsection (a) of Code Section 19-11-6, or upon registration of a foreign order pursuant to Article 3 of this chapter.

~~(2)~~(3) 'Department' means the Department of Human Services.

~~(3)~~(4) 'Dependent child' means any person under the age of 18 who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

~~(4)~~(5) 'Duty of support' means any duty of support imposed or imposable by law or by court order, decree, or judgment.

(6) 'Financial institution' means every federal or state chartered commercial or savings bank, including savings and loan associations and cooperative banks, federal or state chartered credit unions, benefit associations, insurance companies, safe-deposit companies, trust companies, and any money market mutual fund.

~~(5)~~(7) 'IV-D' means Title IV-D of the federal Social Security Act.

~~(6)~~(8) 'IV-D agency' means the Child Support Enforcement Agency of the Department of Human Services and its contractors.

~~(7)~~(9) 'Medical insurance obligee' means any person to whom a duty of medical support is owed.

~~(8)~~(10) 'Medical insurance obligor' means any person owing a duty of medical support.

(11) 'Money market mutual fund' means every regulated investment company within the meaning of Section 851(a) of the Internal Revenue Code which seeks to maintain a constant net asset value of $1.00 in accordance with 17 C.F.R. Section 270.2A-7.

~~(9)~~(12) 'Parent' means the natural or adoptive parents of a child and includes the father of a child born out of wedlock if his paternity has been established in a judicial proceeding or if he has acknowledged paternity under oath either in open court, in an administrative hearing, or by verified writing.

(13) 'TANF' means temporary assistance for needy families."

SECTION 11.

Said article is further amended by revising subsection (a) of Code Section 19-11-30.2, relating to definitions and information from financial institutions, as follows:

"(a) As used in ~~Code Section 19-11-30.1,~~ this Code section, ~~and Code Sections 19-11-30.3 through 19-11-30.11,~~ the term~~:~~

~~(1) 'Account' means a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or a money market mutual fund account.~~

~~(2) 'Financial institution' means every federal or state chartered commercial or savings bank, including savings and loan associations and cooperative banks, federal or state chartered credit unions, benefit associations, insurance companies, safe-deposit companies, trust companies, and any money market mutual fund.~~

~~(3) 'For~~ 'for cause' means that the department has reason to believe that an individual has opened an account at a financial institution ~~listed in paragraph (3) of this subsection~~.

~~(4) 'Money market mutual fund' means every regulated investment company within the meaning of Section 851(a) of the Internal Revenue Code which seeks to maintain a constant net asset value of $1.00 in accordance with 17 CFR 270.2A-7.~~"

SECTION 12.

Said article is further amended by revising subsection (c) of Code Section 19-11-32, relating to the process to collect delinquent support accounts and limitations, as follows:

"(c) Any amount forwarded by a financial institution under this Code section and Code Sections 19-11-33 through 19-11-39 shall not exceed the delinquent or accrued amount of support owed by the obligor. ~~Financial institutions subject to administrative levy are defined in paragraph (3) of subsection (a) of Code Section 19-11-30.2.~~"

SECTION 13.

Said article is further amended by revising subsection (c) of Code Section 19-11-39, relating to computerized central case registry for support orders, as follows:

"(c) In any case handled by the IV-D agency, the registry shall include payment records as well as the amount of child support liens. The payment record shall include:

(1) The ~~the~~ amount of monthly or other periodic support owed under the order and other amounts including arrearages, interest or late payment penalties, and fees due or overdue under the order;

(2) Any ~~any~~ amount described in ~~item~~ paragraph (1) of this subsection that has been collected;

(3) The ~~the~~ distribution of such collected ~~accounts~~ amounts;

(4) The ~~the~~ birth date of any child for whom the order requires the provision of support; and

(5) The ~~the~~ amount of any lien imposed with respect to a child support order."

SECTION 14.

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

On the passage of the Bill, by substitute, the ayes were 164, nays 3.

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

HR 1183. By Representatives Tanner of the 9th, Kidd of the 145th, Dickson of the 6th, Lumsden of the 12th and Cooper of the 43rd:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly by general law may impose additional penalties or fees for the offense of reckless driving and may provide for the allocation of such additional penalties or fees to the Brain and Spinal Injury Trust Fund, as provided by law, for the specified purpose of meeting any and all costs, or any portion of the costs, of providing care and rehabilitative services to citizens of this state who have survived neurotrauma with head or spinal cord injuries; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

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

Y Abrams	Y Coomer	N Gregory	N McCall	N Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
N Atwood	Y Dempsey	Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Dollar	Y Hightower	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	N Stover
Y Benton	E Dukes	Y Holt	E Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Black	E Duncan	Y Howard	Y Parsons	Y Tankersley
N Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
E Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	N Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	N Roberts	Weldon
Y Casas	Y Fullerton	E Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard

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

On the adoption of the Resolution, the ayes were 157, nays 10.

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

HB 900. By Representatives Harrell of the 106th, Carson of the 46th and Peake of the 141st:

A BILL to be entitled an Act to amend Code Section 48-8-3.2 of the Official Code of Georgia Annotated, relating to a state sales tax exemption for machinery and other items used in manufacturing, so as to include consumable supplies in the exemption; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representative Pezold of the 133rd was excused from voting on HB 900.

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

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

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

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

HB 1042. By Representatives Dempsey of the 13th, Coleman of the 97th, Teasley of the 37th, Watson of the 172nd, Clark of the 98th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 43 of the Official Code of Georgia Annotated, relating to auctioneers, so as to change certain provisions relative to auctioneers and the auction business; to provide and change certain definitions applicable to the licensing of auctioneers and those engaged in the business of auctioning; to eliminate the authority for the Georgia Auctioneers Commission to issue apprentice auctioneer licenses and remove any references to such licenses; to provide for gender neutrality; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 43 of the Official Code of Georgia Annotated, relating to auctioneers, so as to change certain provisions relative to auctioneers and the auction business; to provide and change certain definitions applicable to the licensing of auctioneers and those engaged in the business of auctioning; to eliminate the authority for the Georgia Auctioneers Commission to issue apprentice auctioneer licenses and remove any references to such licenses; to provide for an exception as to those persons licensed under Chapter 40 of Title 43; to provide for gender neutrality; 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 6 of Title 43 of the Official Code of Georgia Annotated, relating to auctioneers, is amended by revising Code Section 43-6-1, relating to definitions applicable to auctioneers, as follows:

"43-6-1.

As used in this chapter, the term:

(1) 'Absolute auction' ~~shall mean that~~ means an auction in which the ownership and title of real or personal property offered ~~at auction~~ must be conveyed to the high bidder without reservation and without any ~~competing bids~~ bid of any type by the owner or an agent of the owner of ~~the~~ such property.

~~(2) 'Apprentice auctioneer' means any person who for compensation or valuable consideration, or otherwise, is employed, directly or indirectly, by an auctioneer to deal or engage in any auctioning activity and who is duly licensed under this chapter or any person who is not employed by an auctioneer and who conducts the business of auctioning in cases where gross sales do not exceed $2,000.00 per auction and who is duly licensed under this chapter.~~

(2) 'Auction' means a method of selling property or goods by competitive bid using any method, format, or venue including, but not limited to, competitive bidding by a sealed bid or silent bid that occurs in person or through the Internet.

(3) 'Auction business' or 'business of auctioning' means the performing of any of the acts of an auctioneer ~~or apprentice auctioneer~~, including bid calling for a fee, commission, or any other valuable consideration or with the intention or expectation of receiving the same by means of or by process of an auction or sale at auction or offering, negotiating, or attempting to negotiate a listing contract for the sale, purchase, or exchange of goods, chattels, merchandise, real or personal property, or any other commodity which lawfully may be kept or offered for sale.

(4) 'Auction with reserve' ~~shall mean that~~ means an auction in which the seller reserves the right to refuse any and all bids.

(5) 'Auctioneer' means any person who, for a fee, commission, or any other valuable consideration or with the intention or expectation of receiving the same by means of or by process of an auction or sale at auction, offers, negotiates, or attempts to negotiate a listing contract, sale, purchase, or exchange of goods, chattels, merchandise, real or personal property, or any other commodity which lawfully may be kept or offered for sale and has been duly licensed, as provided in this chapter.

(6) 'Commission' means the Georgia Auctioneers Commission.

(7) 'Company' means an association, partnership, limited liability company, corporation, or sole proprietorship and shall also include the officers, directors, members, and employees of such entities.

(8) 'Goods' means any chattel, goods, merchandise, real or personal property, or commodities of any form or type which lawfully may be kept or offered for sale.

(9) 'Person or persons' means an individual.

(10) 'Ringperson' means any person employed directly by an auctioneer or auction company responsible for a sale who assists the auctioneer in the conduct of an auction, provided that such person shall not be permitted to call or chant a bid or negotiate a listing contract."

SECTION 2.

Said chapter is further amended by revising subsection (c) of Code Section 43-6-2, relating to the creation of the Georgia Auctioneers Commission, composition, terms of office, and qualifications of members, as follows:

"(c) Five members of the commission shall be licensed auctioneers who shall have been residents of this state and actively engaged in the ~~auctioneering~~ auction business for at least five years. One member shall be a consumer advocate and a resident of this state and shall have no connection whatsoever with ~~the practice or profession of auctioneering~~ any auction company or the business of auctioning."

SECTION 3.

Said chapter is further amended by revising subsections (a) and (b) of Code Section 43-6-9, relating to license requirement for auctioneers and apprentice auctioneers, registration for companies conducting auctions, and restrictions as to sales of real property, as follows:

"(a) It shall be unlawful for any person, directly or indirectly, to engage in, conduct, advertise, hold himself or herself out as engaging in or conducting the business of, or act in the capacity of, an auctioneer ~~or apprentice auctioneer~~ within this state without first obtaining a license as an auctioneer ~~or apprentice auctioneer~~, as provided in this chapter, unless he or she is exempted from obtaining a license under Code Section 43-6-24.

(b) It shall be unlawful for any licensed auctioneer ~~or apprentice auctioneer~~ to act in such capacity in the sale of real property unless such auctioneer ~~or apprentice auctioneer~~ shall also be licensed as a real estate broker, associate broker, or salesperson under Chapter 40 of this title; provided, however, that any auctioneer ~~or apprentice auctioneer~~ who was licensed as such by this state prior to July 1, 1978, and who, prior to December 31, 1984, submits proof to the commission that he or she has been auctioning real property for five years or more immediately prior to the date of application shall not be required to meet the provisions of this subsection but such person shall not thereby be construed to be a real estate broker, associate broker, or salesperson under Chapter 40 of this title."

SECTION 4.

Said chapter is further amended by revising Code Section 43-6-10, relating to an application by a person for a license, as follows:

"43-6-10.

Any person desiring to act as an auctioneer ~~or apprentice auctioneer~~ must file an application for a license with the commission. The application shall be in such form and detail as the commission shall prescribe, setting forth the following:

(1) The name and address of the applicant or the name under which he or she intends to conduct business; if the applicant is a partnership or limited liability company, the name and residence address of each member thereof and the name under which the partnership or limited liability company business is to be conducted; and, if the applicant is a corporation, the name and address of each of its principal officers;

(2) The place or places, including the municipality, with the street and street number, if any, where the business is to be conducted; and

(3) Such other information as the commission shall require."

SECTION 5.

Said chapter is further amended by revising Code Section 43-6-11, relating to qualifications of applicants, as follows:

"43-6-11.

(a) No auctioneer's ~~or apprentice auctioneer's~~ license shall be issued to any person who has not attained the age of 18 years, nor to any person who is not a resident of this state unless he <u>or she</u> has fully complied with Code Section 43-6-12, nor to any person who is not a citizen or has not filed his <u>or her</u> intent to become a citizen of the United States.

(b) Each applicant for an auctioneer's ~~or apprentice auctioneer's~~ license shall be required to pass an examination in a form prescribed by the commission.

(c) Each applicant for licensure as an auctioneer ~~or apprentice auctioneer~~ must prove to the commission that he <u>or she</u> is reputable, trustworthy, honest, and competent to transact the business of ~~an auctioneer or of an apprentice auctioneer~~ <u>auctioning</u> in such a manner as to safeguard the interest of the public.

(d) Each applicant for licensure as an auctioneer shall have successfully graduated from an accredited high school or obtained a GED and have graduated from an auctioneers school approved by the commission prior to making an application for an auctioneer's license.

~~(e) On and after December 31, 1995, no apprentice auctioneer's license shall be issued or renewed.~~"

SECTION 6.

Said chapter is further amended by revising subsections (a) and (c) of Code Section 43-6-12, relating to reciprocity, nonresident license requirement, and designation of agents for service of process, as follows:

"(a) Any resident of another state who holds a current license as an auctioneer ~~or an apprentice auctioneer~~ under the laws of any other state having requirements similar to those in this chapter may, at the discretion of the commission, be issued a license to practice as an auctioneer ~~or an apprentice auctioneer~~ in this state without written examination upon the payment of the fees as required by the commission."

"(c) Prior to the issuance of a license to a nonresident auctioneer ~~or apprentice auctioneer~~, such nonresident shall file with the commission a designation in writing that appoints the commission or a deputy to be designated by it to act as the licensee's agent upon whom all judicial and other process or legal notices directed to such licensee may be served. Service upon the agent so designated shall be equivalent to personal service upon the licensee. Copies of such appointment, certified by the commission chairman, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. In such written designation, the licensee shall agree that any lawful process against the licensee which is served upon such agent shall be of the same legal force and validity as if served upon the licensee and that the authority shall continue in force so long as any liability remains outstanding in this state. Upon the receipt of all such process or notices, the commission or the deputy as designated by it shall immediately mail a copy of the same by certified mail or statutory overnight delivery to the last known business address of the licensee."

SECTION 7.

Said chapter is further amended by revising Code Section 43-6-14, relating to affixing seal to licenses, delivery of licenses, display of licenses, pocket card, and branch office licenses, as follows:

"43-6-14.

Each license shall have placed thereon the seal of the commission. The license of each auctioneer ~~or apprentice auctioneer~~ shall be delivered or mailed to his <u>or her</u> place of business and shall be displayed conspicuously at all times in the office of the licensee. The commission shall prepare and deliver a pocket card certifying that the person whose name appears thereon is a licensed auctioneer ~~or apprentice auctioneer~~, as the case may be, stating the period of time for which fees have been paid ~~and including, on apprentice auctioneers' cards only, the name and address of the auctioneer for whom such apprentice auctioneer is acting~~. If an auctioneer maintains more than one place of business within the state, a branch office license shall be issued to such auctioneer for each branch office so maintained by him <u>or her</u> upon the payment of a biennial fee in an amount established by the commission; and the branch office license shall be conspicuously displayed in each branch office."

SECTION 8.

Said chapter is further amended by revising Code Section 43-6-14.1, relating to requirement of carrying license identification card, as follows:

"43-6-14.1.

All licensees must carry on their person, when participating in the ~~auctioneering~~ <u>auction</u> business in any capacity, their Georgia auctioneer's license identification card and must present such card upon demand by any official of the State of Georgia."

SECTION 9.

Said chapter is further amended by revising subsections (a) and (c) of Code Section 43-6-16, relating to grounds for refusal to issue license, as follows:

"(a) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of ~~auctioneer or apprentice auctioneer~~ auctioning in such manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. The commission shall grant a license to a corporation, limited liability company, or partnership only if the stockholder, member, or partner having a controlling interest therein bears a good reputation for honesty, trustworthiness, and integrity."

"(c) Where an applicant has made a false statement of material fact on his or her application, such false statement, in itself, may be sufficient ground for refusal of a license."

SECTION 10.

Said chapter is further amended by revising Code Section 43-6-18, relating to grounds for revocation or suspension of licenses and censure of licensees, as follows:

"43-6-18.

The commission may, upon its own motion, and shall, upon the signed complaint in writing of any person, investigate the actions of any auctioneer ~~or apprentice auctioneer~~ and shall have power to censure such licensee or to revoke or suspend any license issued under this chapter whenever such license has been obtained by false or fraudulent representation or the licensee has been found guilty of any unfair trade practices, including, but not limited to, the following:

(1) Making any substantial misrepresentation while describing any property, real or personal; using any false, deceptive, misleading, or untruthful advertising; or making any statements, either in person or through any form of advertising, which may create false or unjustified expectations of the services to be performed;

(2) Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or advertising an auction to be an absolute auction, but conducting it as an auction with reserve or otherwise;

(3) Failing to account for or remit, within 30 days unless otherwise provided by contract, any money belonging to others that comes into his or her possession, commingling funds of others with his or her own, or failing to keep such funds of others in an escrow or trustee account; ~~provided, however, that the requirement of an escrow or trust account shall not apply to an apprentice auctioneer who conducts the business of auctioning where gross sales do not exceed $2,000.00 per auction;~~

(4) Being convicted in a court of competent jurisdiction of this or any other state of a criminal offense involving moral turpitude or a felony;

(5) Violation of any rule or regulation or code of ethics promulgated by the commission;

(6) Any conduct of any auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;

(7) Any conduct of an auctioneer which demonstrates improper, fraudulent, or dishonest dealings;

(8) Having had any license to practice a business or profession revoked, suspended, annulled, or sanctioned, or otherwise having had any disciplinary action taken by any other licensing authority in this or any other state; or

(9) Knowingly making any misleading, false, or deceptive statement on any application for a license under this chapter."

SECTION 11.

Said chapter is further amended by revising Code Section 43-6-20, relating to effect of revocation of auctioneer's license on licenses of apprentice auctioneers, as follows:

"43-6-20.

~~The revocation of an auctioneer's license shall automatically suspend every apprentice auctioneer's license granted to any person by virtue of his employment by the auctioneer whose license has been revoked. The apprentice auctioneer may retain his license by transferring to the employment of another licensed auctioneer within 90 days~~ Reserved."

SECTION 12.

Said chapter is further amended by revising Code Section 43-6-21, relating to notification of change of address and effect of apprentice's leaving auctioneer, as follows:

"43-6-21.

~~(a)~~ Should the auctioneer change his or her place of business, he or she shall notify the commission in writing within ten days of such change, and thereupon a new pocket card shall be granted to the auctioneer ~~and to his apprentice auctioneers~~.

~~(b) When an apprentice auctioneer is discharged or terminates his employment with the auctioneer for any reason, it shall be the immediate duty of the auctioneer to deliver or mail by registered or certified mail or statutory overnight delivery to the commission the license of the apprentice auctioneer. It shall be unlawful for any apprentice auctioneer to perform any of the acts contemplated by this chapter, either directly or indirectly under authority of his license, until the apprentice auctioneer receives a new license bearing the name and address of his new employer. No more than one license shall be issued to any apprentice auctioneer for the same period of time.~~"

SECTION 13.

Said chapter is further amended by revising subsection (a) of Code Section 43-6-22, relating to prerequisite for bringing action for compensation and power of commission to sue for violation, as follows:

"(a) No person shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any of the acts mentioned in this

chapter without alleging and proving that he or she was a duly licensed auctioneer ~~or apprentice auctioneer~~ at the time the alleged cause of action arose."

SECTION 14.

Said chapter is further amended by revising Code Section 43-6-24, relating to exceptions to operation of the chapter, by designating the existing text as subsection (a) and adding a new subsection to read as follows:

"(b) Nothing in this chapter shall be construed to alter the scope of practice of any person licensed under Chapter 40 of this title."

SECTION 15.

Said chapter is further amended by revising Code Section 43-6-25, relating to penalty, as follows:

"43-6-25.

Any person or corporation acting as an auctioneer ~~or apprentice auctioneer~~ within the meaning of this chapter without a license and any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $1,000.00, by imprisonment for a term not to exceed 90 days, or both."

SECTION 16.

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

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

On the passage of the Bill, by substitute, the ayes were 158, nays 8.

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

The Speaker announced the House in recess until 1:15 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

Mr. Speaker:

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

SB 358. By Senators Albers of the 56th, Unterman of the 45th, Millar of the 40th, Gooch of the 51st, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Missing Children Information Center, so as to provide for missing child reports for foster children; 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 912. By Representative Buckner of the 137th:

A BILL to be entitled an Act to amend an Act incorporating the City of Manchester, approved August 16, 1909 (Ga. L. 1909, p. 1071), as amended, particularly by an Act approved April 9, 1999 (Ga. L. 1999, p. 3668) and an Act approved March 20, 2012 (Ga. L. 2012, p. 4486), so as to provide for staggered terms of office for members of the governing authority; to provide for the manner of election and transition terms; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 916. By Representative Powell of the 171st:

A BILL to be entitled an Act to provide a new charter for the City of Baconton; to provide for incorporation, boundaries, and powers of the city; 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 961. By Representatives Black of the 174th and Spencer of the 180th:

A BILL to be entitled an Act to amend an Act creating the board of commissioners for Charlton County, approved August 4, 1927 (Ga. L. 1927, p. 529), as amended, particularly by an Act approved May 16, 2007 (Ga. L. 2007, p. 3694), so as to change provisions relating to commissioner districts; to provide for members currently serving; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 962. By Representatives Black of the 174th and Spencer of the 180th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education for Charlton County, approved April 17, 1975 (Ga. L. 1975, p. 3952), as amended, particularly by an Act approved May 16, 2007 (Ga. L. 2007, p. 3688), so as to change provisions relating to board of education districts; to provide for members currently serving; to repeal conflicting laws; and for other purposes.

HB 986. By Representatives Black of the 174th, Carter of the 175th, Shaw of the 176th and Sharper of the 177th:

A BILL to be entitled an Act to amend an Act establishing the State Court of Lowndes County, approved December 11, 1901 (Ga. L. 1901, p. 176), as amended, particularly by an Act approved March 21, 1968 (Ga. L. 1968, p. 2332) and an Act approved April 4, 1991 (Ga. L. 1991, p. 3551), so as to provide an additional judge for said court; to provide for the initial appointment of such additional judge by the Governor; to provide for the election and terms of office for the judges of said court; to provide for a chief judge of said court; to provide for the compensation of the judges of said court; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 997. By Representative Greene of the 151st:

A BILL to be entitled an Act to provide for a board of elections and registration for Early County and to provide for its powers, duties, and responsibilities; to provide for definitions; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1001. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A BILL to be entitled an Act to authorize the governing authority of the City of Rome 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 1015. By Representative Caldwell of the 131st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Concord, Georgia, approved March 28, 1984 (Ga. L. 1984, p. 4793), so as to increase the term of office of the mayor and city councilmembers; to remove the cap on the annual millage rate; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1018. By Representative Powell of the 32nd:

A BILL to be entitled an Act to create a board of elections and registration for Hart County and to provide for its powers and duties; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 1019. By Representative Powell of the 32nd:

A BILL to be entitled an Act to authorize the governing authority of the City of Hartwell 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.

Mr. Speaker:

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

SB 382. By Senators Mullis of the 53rd, Chance of the 16th and Jones of the 25th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to provide for the crime of retail theft; to provide for penalties; to provide for related matters; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 268. By Senators Hufstetler of the 52nd and Orrock of the 36th:

A BILL to be entitled an Act to amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to delegation of authority to physician assistants, so as to authorize a physician to delegate to a physician assistant the authority to prescribe Schedule II controlled substances; to require health insurance providers to record the name of a physician assistant providing care and treatment to a patient; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th and Davis of the 22nd:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to provide that each medical facility shall make a good faith application to the southern regional TRICARE managed care support coordinator to join the TRICARE network; to provide for oversight; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SR 941. By Senators Shafer of the 48th, Hill of the 6th, Mullis of the 53rd and Miller of the 49th:

A RESOLUTION urging Congress to grow the United States economy by increasing the number of visas designed to permit Korean citizens possessing skills in a specialty occupation to work in the United States; and for other purposes.

Mr. Speaker:

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

SB 276. By Senators Harbison of the 15th, Hill of the 6th and Thompson of the 5th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to provide that Georgia shall be a "Purple Heart State"; to repeal conflicting laws; and for other purposes.

SB 281. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to state employees' health insurance plan, so as to require that a high deductible health care plan with a health savings account be offered as an option for persons covered under the state employees' health insurance plan; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HR 1602. By Representatives Rice of the 95th and Marin of the 96th:

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

HR 1603. By Representatives Douglas of the 78th, Fludd of the 64th, Beasley-Teague of the 65th and Roberts of the 155th:

A RESOLUTION commending Marquis Deon Grissom and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1604. By Representatives Stephens of the 164th, Gordon of the 163rd, Hitchens of the 161st, Watson of the 166th and Bryant of the 162nd:

A RESOLUTION recognizing and honoring the members of the St. Patrick's Day Parade Committee, Chairman Kevin Halligan and the Grand Marshal of the 2014 St. Patrick's Day Parade, David Roberts on the upcoming occasion of the 2014 St. Patrick's Day Parade in Savannah, Georgia and inviting them to appear before the House of Representatives; and for other purposes.

HR 1605. By Representatives Douglas of the 78th, Bruce of the 61st, Abrams of the 89th and Morgan of the 39th:

A RESOLUTION commending Kirstie Bronner and Kristie Bronner, co-valedictorians for the Spelman College class of 2013, and inviting them to be recognized by the House of Representatives; and for other purposes.

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

HR 1245	Do Pass	HR 1308	Do Pass
HR 1335	Do Pass	HR 1350	Do Pass
HR 1372	Do Pass	HR 1502	Do Pass
HR 1503	Do Pass		

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

HR 1245. By Representatives Buckner of the 137th, Houston of the 170th, Caldwell of the 131st, Watson of the 172nd, Randall of the 142nd and others:

A RESOLUTION commending the Georgia Rural Health Association, recognizing March 5, 2014, as Rural Health Day at the state capitol, and inviting GRHA members to be recognized by the House of Representatives; and for other purposes.

HR 1308. By Representatives Parrish of the 158th, Burns of the 159th and Tankersley of the 160th:

A RESOLUTION commending Conservation Corporal Michael Crawley for his dedication and service to the citizens of Georgia and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1335. By Representatives Ramsey of the 72nd, Stover of the 71st, Fludd of the 64th and Mabra of the 63rd:

A RESOLUTION congratulating the 2013-2014 McIntosh High School cheerleading squad and inviting the team and coaches to be recognized by the House of Representatives; and for other purposes.

HR 1350. By Representatives Abrams of the 89th, Pak of the 108th, Bell of the 58th, Carter of the 175th, Henson of the 86th and others:

A RESOLUTION recognizing the month of April, 2014, as Genocide Prevention and Awareness Month at the capitol and inviting the Georgia

Coalition to Prevent Genocide to be recognized by the House of Representatives; and for other purposes.

HR 1372. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A RESOLUTION recognizing March 5, 2014, as Columbus Day at the state capitol and inviting Mayor Teresa Tomlinson, City Manager Isaiah Hugley, Chamber President and CEO Mike Gaymon, and Chamber Board Chairman Alan Rothschild to be recognized by the House of Representatives; and for other purposes.

HR 1502. By Representatives Smith of the 125th, Dukes of the 154th, Epps of the 132nd, Smyre of the 135th, Dickerson of the 113th and others:

A RESOLUTION honoring Dosh Jackson on his 103rd birthday and inviting him to appear before the House of Representatives; and for other purposes.

HR 1503. By Representatives Ralston of the 7th, Jones of the 47th, Smith of the 70th, Randall of the 142nd, Braddock of the 19th and others:

A RESOLUTION commending First Lady Sandra Deal and inviting her to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1606. By Representative Ralston of the 7th:

A RESOLUTION commending Sarah Welch, the 2014 Fannin County School System Teacher of the Year; and for other purposes.

HR 1607. By Representatives Bennett of the 94th, Henson of the 86th, Mitchell of the 88th, Anderson of the 92nd, Williams of the 87th and others:

A RESOLUTION recognizing and commending Elizabeth Andrews High School; and for other purposes.

HR 1609. By Representatives Stephens of the 164th, Gordon of the 163rd, Hitchens of the 161st, Watson of the 166th and Bryant of the 162nd:

A RESOLUTION recognizing WTOC-TV of Savannah; and for other purposes.

HR 1610. By Representatives Stephens of the 164th, Gordon of the 163rd, Hitchens of the 161st, Watson of the 166th and Bryant of the 162nd:

A RESOLUTION recognizing and commending Carol Megathlin; and for other purposes.

HR 1611. By Representatives Thomas of the 56th and Brooks of the 55th:

A RESOLUTION recognizing April 5th, 2014, as Soka Gakkai International Youth Day in Georgia; and for other purposes.

HR 1612. By Representatives Thomas of the 56th, Alexander of the 66th and Jones of the 53rd:

A RESOLUTION recognizing the 21st Annual Youth and Family Convocation; and for other purposes.

HR 1613. By Representatives Douglas of the 78th, Scott of the 76th, Waites of the 60th and Stephenson of the 90th:

A RESOLUTION commending and congratulating Mrs. Beatrice L. Holmes, Red Oak Elementary School's Teacher of the Year; and for other purposes.

HR 1614. By Representatives Douglas of the 78th, Mabra of the 63rd and Glanton of the 75th:

A RESOLUTION recognizing and commending Ms. Ariana Robinson, Mt. Zion Primary School's Teacher of the Year; and for other purposes.

HR 1615. By Representatives Mayo of the 84th and Marin of the 96th:

A RESOLUTION recognizing and commending Ms. Darraugh Butler and the National Black and Latino Council; and for other purposes.

HR 1616. By Representative Benton of the 31st:

A RESOLUTION commending Holly Wright, East Jackson Comprehensive High School's 2014 STAR Student; and for other purposes.

HR 1617. By Representative Benton of the 31st:

A RESOLUTION commending Madison Mealor, East Jackson Comprehensive High School's 2014 STAR Student; and for other purposes.

HR 1618. By Representative Ralston of the 7th:

A RESOLUTION honoring the life and memory of Wayne Huffman; and for other purposes.

HR 1619. By Representative Ralston of the 7th:

A RESOLUTION commending Gage Stephens; and for other purposes.

HR 1620. By Representative Ralston of the 7th:

A RESOLUTION commending Daniel Stephens; and for other purposes.

HR 1621. By Representative Ralston of the 7th:

A RESOLUTION commending Frank Wood; and for other purposes.

HR 1622. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending Will Shirah; and for other purposes.

HR 1623. By Representative Williamson of the 115th:

A RESOLUTION recognizing and commending Army Spc. Christopher Daniel; and for other purposes.

HR 1624. By Representative Ralston of the 7th:

A RESOLUTION commending the House Interns for the 2014 Regular Session; and for other purposes.

HR 1625. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Ebony Madison, Usher-Collier Heights Elementary School's 2014 Teacher of the Year; and for other purposes.

HR 1626. By Representative Jones of the 53rd:

A RESOLUTION commending Sarah Ann Grant, Coretta Scott King Young Women's Leadership Academy Middle School's 2014 Teacher of the Year; and for other purposes.

HR 1627. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Kathy Crawford in honor of Women's History Month 2014; and for other purposes.

HR 1628. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Michelle K. Uchiyama in honor of Women's History Month 2014; and for other purposes.

HR 1629. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Delores Lattimore in honor of Women's History Month 2014; and for other purposes.

HR 1630. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Ola W. Reynolds in honor of Women's History Month 2014; and for other purposes.

HR 1631. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Ms. Alana Allen, Harper-Archer Middle School's Teacher of the Year; and for other purposes.

HR 1632. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Miriam Arlala Johnson James-Miller in honor of Women's History Month 2014; and for other purposes.

HR 1633. By Representatives Bennett of the 94th, Anderson of the 92nd, Chandler of the 105th, Kendrick of the 93rd, Mitchell of the 88th and others:

A RESOLUTION recognizing and commending the Shiloh High School concert choir; and for other purposes.

HR 1634. By Representatives Brooks of the 55th, Jones of the 53rd, Beasley-Teague of the 65th, Thomas of the 56th and Williams of the 168th:

A RESOLUTION celebrating the life of Courtney Parker Siceloff and offering condolences on his passing; and for other purposes.

HR 1635. By Representatives Brooks of the 55th, Jones of the 53rd, Beasley-Teague of the 65th, Thomas of the 56th and Williams of the 168th:

A RESOLUTION celebrating the life of Edward Menifee and offering condolences on his passing; and for other purposes.

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

Mr. Speaker:

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

SR 981. By Senators Unterman of the 45th, Hufstetler of the 52nd, Henson of the 41st, Millar of the 40th, Hill of the 32nd and others:

A RESOLUTION creating the Joint Study Committee on Violence Against Health Care Workers; and for other purposes.

Mr. Speaker:

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

SB 304. By Senators Stone of the 23rd and Jackson of the 24th:

A BILL to be entitled an Act to amend Chapter 45 of Title 33 of the Official Code of Georgia Annotated, relating to continuing care providers and facilities, so as to provide for continuing care at home; to define certain terms; to provide that a provider with a certificate of authority and the written approval of the commissioner may offer, as a part of the continuing care agreement, continuing care at home and continuing care in which the resident purchases a resident owned living unit; to provide for notices of disclosure statements; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 833. By Representatives Jones of the 62nd, Gravley of the 67th, Beasley-Teague of the 65th, Hightower of the 68th, Alexander of the 66th and others:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law", so as to include blighted areas; to modernize terminology; 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 Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y Beasley-Teague
Y Bell
Y Bennett
Y Bentley
Y Benton
Y Beverly
Black
Y Braddock
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Carson
Y Carter
Y Casas
Y Chandler
Y Channell
N Chapman
Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Dutton
Y Efstration
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Fullerton
Y Gardner
Y Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
E Gregory
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Holt
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, L
Y Jones, S
Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lindsey
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
Y Morgan
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims, B
Sims, C
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Stovall
Y Stover
Y Strickland
Y Talton
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Turner
Y Waites
Y Watson, B
Y Watson, S
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 168, nays 2.

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

HB 690. By Representatives Rogers of the 29th, Hawkins of the 27th, Dunahoo of the 30th and Barr of the 103rd:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide that a county may petition any municipality within such county that has unincorporated islands within such municipality to annex such unincorporated islands; to provide for binding mediation if the municipality fails to annex such islands; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide that a county may petition any municipality within such county that has unincorporated islands within such municipality to annex such unincorporated islands; to provide for mediation if the municipality fails to annex such islands; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising subsection (d) of Code Section 36-36-92, relating to annexation of unincorporated islands, as follows:

"(d)(1) Annexations under this article shall be at the sole discretion of the governing body of each municipality, except as otherwise provided in this subsection.

(2) Any county that contains a municipality which has within its corporate boundaries unincorporated islands may, by resolution delivered to the governing authority of the municipality, petition such municipality to annex some or all of such unincorporated islands within such municipality. If the municipality fails or refuses to annex all of such selected unincorporated islands within six months following the delivery of such resolution to the governing authority of the municipality by the county petitioning the municipality to annex such unincorporated islands, the county shall be authorized to undertake mediation procedures with the municipality utilizing an arbitration panel as provided in Code Section 36-36-114 to resolve the annexation of such unincorporated islands. Such mediation shall be initiated by the county by filing a request for such mediation with the Department of Community Affairs which shall form an arbitration panel under Code Section 36-36-114 within 30 days

following such request. Such request shall be served on the governing authority of the municipality. The arbitration panel shall meet with the parties as soon as practicable and resolve the issues between the county and the municipality regarding the annexation of such unincorporated islands and shall render a recommendation within 90 days following the appointment of the panel. Either party not agreeing to and carrying out the recommendation of the panel shall pay the full costs and expenses of the other party for such mediation. The panel shall decide the appropriate costs and expenses to be paid."

SECTION 2.

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

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

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

Y Abrams	Y Coomer	E Gregory	N McCall	Sims, C
Y Alexander	Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	N Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	N Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	N Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	N 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
N Broadrick	Y Efstration	Y Jackson	Y Pezold	N Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	N England	N Jasperse	N Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
N Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	N Welch
Y Carter	Y Frye	Y Kidd	N Roberts	Weldon
Y Casas	Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
N Chapman	Y Geisinger	Y Lumsden	N Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C

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

On the passage of the Bill, by substitute, the ayes were 152, nays 18.

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

Representative Pak of the 108th moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 504. By Representatives Pak of the 108th, Williamson of the 115th, Harrell of the 106th, Taylor of the 79th, Willard of the 51st and others:

A BILL to be entitled an Act to amend Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy absorption systems, so as to provide that the failure to use seat safety belts may be admitted into evidence under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

Mr. Speaker:

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

SB 326. By Senators Jeffares of the 17th, Stone of the 23rd, Staton of the 18th, Carter of the 1st, Millar of the 40th and others:

A BILL to be entitled an Act to amend Code Section 20-3-202 of the Official Code of Georgia Annotated, relating to the creation, membership, officers, compensation, expenses, organization, duration, and quorum of the Private Colleges and Universities Authority, so as to authorize the authority to meet by teleconference and other methods permitted by law; 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 1636. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A RESOLUTION commending Jonathan Michael Dispain, Bethlehem Christian Academy's 2014 STAR Student; and for other purposes.

HR 1637. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A RESOLUTION commending Alex Childers, Winder-Barrow High School's 2014 STAR Student; and for other purposes.

HR 1638. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A RESOLUTION commending Kaitlyn Ellington, Apalachee High School's 2014 STAR Student; and for other purposes.

HR 1639. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A RESOLUTION commending Abby Rutledge, Bethlehem Christian Academy's 2014 STAR Teacher; and for other purposes.

HR 1640. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A RESOLUTION commending Craig Martin, Winder-Barrow High School's 2014 STAR Teacher; and for other purposes.

HR 1641. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A RESOLUTION commending Stephanie Tyson Atkinson, Apalachee High School's 2014 STAR Teacher; and for other purposes.

HR 1642. By Representative Parrish of the 158th:

A RESOLUTION honoring the life and memory of Mr. Samuel Farrar Smith III; and for other purposes.

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

HB 702. By Representatives Morris of the 156th, Battles of the 15th and Nix of the 69th:

A BILL to be entitled an Act to amend Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state flag, seal, and other symbols, so as to provide for placement of a monument depicting the Ten Commandments, Preamble to the state Constitution, and Preamble to the United States Constitution; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state flag, seal, and other symbols, so as to authorize placement of a monument of religious liberty; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state flag, seal, and other symbols, is amended by adding a new article to read as follows:

"ARTICLE 5

50-3-105.

(a) Subject to the availability of funds, there shall be placed within the capitol building or grounds a historic granite monument depicting:

(1) The Preamble to the Georgia Constitution;

(2) The part of the Declaration of Independence which states that 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'; and

(3) The Ten Commandments.

(b)(1) Such monument shall be designed, procured, and placed by the Capitol Art Standards Commission, subject to final approval by a monument committee composed of the following members of the General Assembly:

(A) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(B) Two members of the Senate appointed by the Lieutenant Governor; and

(C) One member from each house of the General Assembly appointed by the Governor.

(2) The monument committee established pursuant to this subsection shall stand abolished upon placement of such monument.

(c) No public funds shall be expended for the design or procurement of such monument. Gifts and donations from private individuals, organizations, or foundations shall be accepted and expended by the Capitol Art Standards Commission to carry out the requirements of this Code section."

SECTION 2.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 138, nays 37.

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

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

March 3, 2014

To Whom It May Concern:

On the vote for HB 702 on March 3rd, 2014, I mistakenly voted "Yes" and was unable to change my vote in time. My intention was to vote "No" as the purpose of the bill does not fall under the proper role of government.

In Liberty

/s/ Charles Gregory
Representative, District 34

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

HOUSE SUPPLEMENTAL RULES CALENDAR
MONDAY, MARCH 3, 2014

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 291 State Board of Accountancy; independent state agency attached to Secretary of State for administrative purposes only; provide (Substitute)(Judy-Knight-130th)

HB 876 Expense allowance; certain boards and commissions receive same per diem as members of General Assembly; provide (Substitute)(GAff-Harbin-122nd)

HB 883 Georgia merchant acquirer limited purpose banks; correct cross-references; provide (B&B-Strickland-111th)

Modified Structured Rule

HB 133 Property easements; rights of way across private land for the purpose of access to cemetery sites; provide (Substitute)(Judy-Benton-31st)

HB 138 Temporary assistance; use of electronic benefit transfer cards in certain retail establishments; prohibit (Substitute)(GAff-Welch-110th)

HB 257 Income tax; change certain definitions (Substitute)(W&M-Martin-49th)(AM# 34 0640)

HB 348 Income tax credit; purchasers of alternative fuel vehicles; provide (Substitute)(W&M-Parsons-44th)

HB 580 Superior Court Clerk's Retirement Fund; provide spousal survivor's benefit (Ret-Weldon-3rd)

HB 707 The Georgia Health Care Freedom and ACA Noncompliance Act; enact (Substitute)(Judy-Spencer-180th)

HB 772 Public assistance; drug testing for applicants for food stamps; require (Substitute)(Judy-Morris-156th)(AM# 33 1412)

HB 819 Revenue and taxation; tax executions; modify certain provisions (Substitute)(Judy-Martin-49th)

HB 845 Public disclosure; disclosure of arrest booking photographs except under certain circumstances; prohibit (Substitute)(JudyNC-Strickland-111th)

HB 870 Brain and Spinal Injury Trust Fund; imposition of additional fine for reckless driving; provide (JudyNC-Tanner-9th)

HB 885 Medical cannabis; continuing research into benefits to treat certain conditions; provisions (Substitute)(H&HS-Peake-141st)

HB 913 Community Health, Board of; persons having certain conflicts of interest from serving on board; prohibit (Substitute)(GAff-Kelley-16th)

HB 914 Social services; school personnel required to report child abuse shall be notified by child protective agency upon receipt of report and completion of investigation; provide (Substitute)(JuvJ-Wilkerson-38th)

HB 930 General Assembly; adopt standards and instructions for Article V convention delegates; provisions (Substitute)(IntC-Barr-103rd)

HB 982 Financial institutions; repeal Articles 4 and 4A; enact new Articles 4 and 4A; provisions (Substitute)(B&B-Williamson-115th)

HB 990 Social services; expansion of Medicaid eligibility through increase in income threshold without prior legislative approval; prohibit (Substitute)(Judy-Jones-47th)
HB 1052 Crimes and offenses; create offense of murder in the second degree; change provisions relating to murder (Substitute)(JudyNC-Coomer-14th)
HB 1078 Courts; juries and grand juries; provisions (Judy-Kelley-16th)(AM# 29 2292)(AM# 29 2293)
HB 1080 State government; capitol grounds; provide for placement of statue of Reverend Martin Luther King, Jr. (SProp-Smyre-135th)

Structured Rule

HB 69 Tax; amount payable for property at redemption; change provisions (Substitute)(W&M-Benton-31st)
HB 128 Georgia Downtown Renaissance Investment Tax Credit Act; enact (Substitute)(W&M-Peake-141st)
HB 390 Sales and use tax; ceiling on local taxes which may be levied by a political subdivision; provide for additional exemption (Substitute)(W&M-Mayo-84th)
HB 729 Revenue and taxation; manner for determining fair market value of motor vehicles subject to tax; change (Substitute)(W&M-Rice-95th)
HB 823 Sales and use tax; sale of tangible personal property of an alternative fuel facility; provide temporary exemption (W&M-Powell-171st)
HB 922 State taxable net income; limited deduction for certain medical core clerkships; provide (Substitute)(W&M-Harbin-122nd)
HB 933 Sales and use tax; regarding sale or use of certain property used in maintenance or repair of certain aircraft; remove sunset exemption (W&M-Atwood-179th)
HB 954 Ad valorem tax; property; change definition of fair market value (Substitute)(W&M-Harrell-106th)
HB 958 Revenue and taxation; state income tax credit for qualified entertainment production companies; change certain provisions (Substitute)(W&M-Nimmer-178th)
HB 969 Sales and use tax; sale or use of tangible personal property to certain nonprofit health centers; provide exemption for a limited period of time (Substitute)(W&M-Smith-134th)
HB 983 State sales and use tax; clarify eligible exemptions; provisions (Substitute)(W&M-McCall-33rd)
HR 1200 Trooper James David Young Memorial Highway; City of Fitzgerald; dedicate (Substitute)(Trans-Roberts-155th)
HR 1544 Major Henry Talmage Elrod Memorial Highway; Turner County; dedicate (Substitute)(Trans-Roberts-155th)

HR 1573 Joint Study Committee on Critical Transportation Infrastructure Funding; create (Substitute)(Trans-Roberts-155th)

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

HB 1080. By Representatives Smyre of the 135th, Brooks of the 55th, O`Neal of the 146th, Abrams of the 89th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state flag, seal, and other symbols, so as to provide for placement of a statue of the Reverend Martin Luther King, Jr.; 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	N Gregory	Y McCall	Y Sims, C
Y Alexander	Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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
N Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	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 Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.

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

On the passage of the Bill, the ayes were 173, nays 3.

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

House of Representatives
State Capitol, Room 226
Atlanta, Georgia 30334

March 3, 2014

Mr. Bill Reilly
Clerk, House of Representatives
Hand Delivered
309 State Capitol
Atlanta, Georgia 30334

Dear Mr. Clerk:

In regard to HB 1080, I mistakenly pushed the wrong button to indicate my position on the bill. It was my intention to press red and "vote no." I would appreciate the journal to reflect my desire to "vote no" on HB 1080. Thank you.

Respectfully,

/s/ Greg Morris

GM/gm

HB 291. By Representatives Knight of the 130th, Peake of the 141st, Mosby of the 83rd, Riley of the 50th, Carson of the 46th and others:

A BILL to be entitled an Act to amend Title 43 of the O.C.G.A., relating to professions and businesses, so as to provide that the State Board of Accountancy is an independent state agency attached to the Secretary of State for administrative purposes only; to provide the powers and duties of the board; to amend Code Section 24-5-501 of the O.C.G.A., relating to certain communications as privileged, so as to correct a cross-reference; to amend Code Section 36-81-8.1 of the O.C.G.A., relating to definitions, grant certification forms, filings with the state auditor, forfeiture of funds for noncompliance, and no exemption from liability relative to local government budgets and audits, so as to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide that the Georgia State Board of Accountancy is transferred from being administratively attached to the Secretary of State to being a division within the State Accounting Office; to provide a short title; to add definitions; to change provisions within the chapter that governs the practice of public accountancy, so as to update terminology and practice to current usage; to provide the powers and duties of the board; to authorize the state accounting officer to employ an executive director; to provide the powers and duties of the executive director; to revise provisions for purposes of conformity; to amend Chapter 5B of Title 50 of the Official Code of Georgia Annotated, relating to the State Accounting Office, so as to provide that the state accounting officer shall appoint the executive director of the Georgia State Board of Accountancy which shall be established as a division within the State Accounting Office; to amend Code Sections 24-5-501 and 36-81-8.1 of the Official Code of Georgia Annotated, relating to certain communications as privileged and definitions, grant certification forms, filings with the state auditor, forfeiture of funds for noncompliance, and no exemption from liability relative to local government budgets and audits, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,

is amended by revising Code Section 43-1-9, relating to point credit given to veterans taking examinations given by professional licensing boards, as follows:

"43-1-9.

Any applicant taking an examination required by any professional licensing board except ~~the State Board of Accountancy and~~ the Georgia Board of Nursing shall receive points in the following manner:

(1) Any applicant who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, for a period of one year or more, of which at least 90 days were served during wartime or during any conflict when military personnel were committed by the President of the United States, shall be entitled to a credit of five points. Such points shall be added by the person grading the examination to the grade made by the applicant in answering the questions propounded in any such examination;

(2) Any applicant who is a disabled veteran and who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States shall be entitled to a credit of five points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at less than 10 percent at the time of taking the examination. Such points shall be added by the person grading the examination to the grade made by the applicant in answering the questions propounded in any such examination; and

(3) Any applicant who is a disabled veteran who served on active duty in the armed forces of the United States or on active duty in a reserve component of the armed forces of the United States, including the National Guard, during wartime or during any conflict when military personnel were committed by the President of the United States shall be entitled to a credit of ten points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at 10 percent or above at the time of taking the examination. Such points shall be added by the person grading the examination to the grade made by the applicant in answering questions propounded in any such examination."

SECTION 1-2.

Said title is further amended by revising Chapter 3, relating to the "Public Accountancy Act of 1977," as follows:

"CHAPTER 3

43-3-1.

This chapter shall be known and may be cited as the 'Public Accountancy Act of ~~1977~~ 2014.'

43-3-2.

As used in this chapter, the term:

(1) 'Any other state' means a state other than Georgia, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Marianas Islands, or Guam.

~~(1)~~(2) 'Attest' means providing the following ~~financial statement~~ public accountancy services:

(A) Any audit ~~or other engagement~~ to be performed in accordance with the ~~Statements on Auditing Standards (SAS); and~~ professional standards adopted by the board's rules or regulations;

(B) Any review of a financial statement to be performed in accordance with the ~~Statements on Standards for Accounting and Review Services (SSARS); provided, however, that nothing in this definition shall alter the rights of unlicensed accountants contained in Code Section 43-3-36~~ professional standards adopted by the board's rules or regulations;

(C) Any examination of prospective financial information to be performed in accordance with the ~~Statements on Standards for Attestation Engagements (SSAE); and~~ professional standards for attestation engagements adopted by the board's rules or regulations;

(D) Any engagement to be performed in accordance with the ~~auditing standards of the Public Company Accounting Oversight Board~~ professional standards related to public companies adopted by the board's rules or regulations; and

(E) Any examination, review, or agreed upon procedures engagement to be performed in accordance with the professional standards adopted by the board's rules or regulations, other than an examination of prospective financial information as described in subparagraph (C) of this paragraph.

~~The standards specified in this paragraph shall be adopted by reference by the board pursuant to rule making and shall be those developed for general application by recognized national accountancy organizations, such as the American Institute for Certified Public Accountants and the Public Company Accounting Oversight Board.~~

~~(2)~~(3) 'Board' means the Georgia State Board of Accountancy.

~~(3)~~(4) 'Compilation' means providing a service to be performed in accordance with ~~the Statements on Standards for Accounting and Review Services~~ professional standards adopted by the board's rules or regulations that presents information in the form of financial statements that are the representation of management or owners without undertaking to express any assurance as to the statements.

~~(4)~~(5) 'CPA' means certified public accountant.

(6) 'Executive director' means the individual appointed by the state accounting officer to serve as the chief executive officer of the board.

~~(5)~~(7) 'Firm' means any ~~person,~~ proprietorship, partnership, corporation, association, or any other legal entity which ~~practices~~ is practicing public accountancy.

~~(6) 'Home office' means the location identified by the client as the address to which a service described in paragraph (4) of subsection (b) of Code Section 43-3-24 is directed.~~

~~(7) 'Live permit' means a permit issued under Code Section 43-3-24 which is in full force and effect.~~

(8) 'Peer review' means a study, appraisal, or review of one or more aspects of the professional work of a licensee that provides attest or compilation services, by a licensee who is not affiliated with the individual or firm being reviewed.

~~(8)~~(9) 'Practice of public accountancy' or 'practicing public accountancy' means offering to perform or performing attest or compilation services or while holding oneself out in such manner as to state or imply that one is a licensee, offering to perform or performing for ~~a client one or more types of~~ an individual or entity services involving ~~the~~:

(A) The use of accounting or auditing skills~~, one or more types of management~~;

(B) Management advisory or other consulting services~~, or the~~;

(C) The preparation of tax returns; or

(D) The ~~the~~ furnishing of advice on tax matters ~~while holding oneself out in such manner as to state or imply that one is a licensee~~.

~~(9) 'Principal place of business' means the office location designated by the licensee for purposes of substantial equivalency and reciprocity.~~

~~(10) 'State' means the District of Columbia and any state other than this state and any territory or insular possession of the United States.~~

(10) 'State Accounting Office' means the office created under Code Section 50-5B-1.

(11) 'State accounting officer' means the individual appointed by the Governor under Code Section 50-5B-1 to administer the State Accounting Office.

43-3-3.

(a) The State Board of Accountancy on June 30, 2014, is continued in existence as the Georgia State Board of Accountancy, and members serving on the State Board of Accountancy on June 30, 2014, shall continue to serve out his or her term of office on the Georgia State Board of Accountancy and until his or her respective successors are appointed and qualified.

(b) The board shall have all of the duties, powers, and authority granted by or necessary for the enforcement of this chapter.

(c) On and after July 1, 2014, the board shall be a division within the State Accounting Office and shall not be considered a division as such term is defined in Code Section 43-1-1. The board shall neither be under the jurisdiction of the Secretary of State nor be under the direction of the director of the Professional Licensing Boards Division of the Secretary of State. The board shall not be subject to the provisions of Chapter 1 of this title.

(d) The state accounting officer shall fix the compensation of an executive director. The executive director shall serve at the pleasure of the state accounting officer. The

executive director shall have those duties and powers prescribed by the board with the approval of the state accounting officer and as further set forth in Code Section 43-3-6.
(e) The venue of any action involving members of the board shall be the county in which is found the primary office of the State Accounting Office. The executive director shall not be considered a member of the board in determining the venue of any such action, and no court shall have jurisdiction over any such action solely by virtue of the executive director residing or maintaining a residence within its jurisdiction.

~~43-3-3.~~ 43-3-4.
~~(a) There is created the State Board of Accountancy.~~
~~(b)~~(a) The board shall consist of seven members, to be appointed by the Governor with the approval of the Senate. Any such appointment made when the Senate is not in session shall be effective until the appointment is acted upon by the Senate. Each member of the board shall be a resident of this state. Six members of the board shall be certified public accountants, all of whom shall ~~hold a permit to practice public accounting issued under Code Section 43-3-24~~ be licensed in this state. One member of the board shall be appointed from the public at large and shall be ~~a person~~ an individual to whom neither this state nor any other state has ever issued a certificate, registration, license, or permit to engage in the practice of public ~~accounting. The person serving on the board on June 30, 2005, as a registered public accountant member of the board shall serve the remainder of the term to which such person was appointed as one of the certified public accountant members of the board~~ accountancy.
~~(c)~~(b) Each member of the ~~board~~ State Board of Accountancy in office on ~~July 1, 1982~~ June 30, 2014, shall remain in office until the expiration of his or her term and the appointment and approval of his or her successor.
~~(d)~~(c) Any appointment or reappointment of board members shall be for a period of four years. The remaining portion of any unexpired term shall be filled by appointment by the Governor with the approval of the Senate. Upon the expiration of his or her term of office, a member shall continue to serve until his or her successor ~~shall have been~~ is appointed and ~~shall have~~ qualified.
~~(e)~~(d) No member of the board shall serve as such for more than two terms, consecutive or otherwise; and, for purposes of calculating the number of terms served, the filling of an unexpired term or terms for a total of more than 30 calendar months shall be treated as the serving of a full term.
~~(f)~~(e) Any member of the board may be removed by the Governor for misconduct, incompetence, ~~or~~ neglect of duty, or inability to perform the duties required of members. The membership on the board of any member whose ~~permit to practice~~ license in this state has expired and has not been renewed, has become void, or has been revoked or suspended shall be automatically terminated simultaneously with any such expiration, voiding, revocation, or suspension.
~~(g)~~(f) Each member of the board may receive the expense allowance as provided by subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a vehicle as that received by other employees of this state or a travel allowance of actual

transportation costs if traveling by public carrier. Each board member may be reimbursed for any conference or meeting registration fee incurred in the performance of his or her duties as a board member subject to the approval of the executive director. For each day's service in any other state as a board member, such member may receive actual expenses as an expense allowance. Expense vouchers submitted by board members shall be subject to approval by the executive director. A board member's travel outside of this state shall be allowed if such travel was approved by the executive director. ~~Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.~~

~~43-3-4.~~ 43-3-5.

(a) The board shall elect annually a ~~chairman~~ chairperson from its members.

(b) The ~~division~~ executive director shall serve as secretary of the board ~~and perform for the board the duties required of him as provided in Chapter 1 of this title~~.

(c) The chairperson shall determine the date, time, and location of board meetings. Board meetings shall be held at the site of the primary office of the State Accounting Office unless otherwise specified by the chairperson. The chairperson shall provide three ~~Three~~ days' notice of any meeting ~~shall be given by the chairman or division director,~~; provided, however, that notice may be waived by instrument in writing executed before or after the meeting; provided, further, that attendance at a meeting of the board shall constitute a waiver of notice thereof. The chairperson may delegate the responsibility of setting the location, date, and time of board meetings and providing notice of meetings to the executive director. Board meetings may be conducted by audio or video conference ~~telephone~~ calls, and participation in such a conference call shall constitute attendance at the meeting so conducted. Any action that might have been taken at a meeting of the board may be taken by the unanimous written consent of all members of the board.

(d) A majority of the members of the board shall constitute a quorum for the transaction of business of the board.

~~(d)~~(e) The board shall have a seal which shall be judicially noticed.

~~(e)~~(f) The board shall preserve all applications and keep records of all of its proceedings for six years. In any proceeding in court, civil or criminal, arising out of or founded upon this chapter, copies of the records of the board's proceedings signed by a member of the board and certified as correct under the seal of the board by the ~~division~~ executive director shall be admissible in evidence in any court of this state without further proof.

~~(f) The board may appoint such committees or persons, who need not be members of the board, to advise or assist it in administration, investigation, and enforcement of the provisions of this chapter as the board deems necessary and shall be authorized to compensate any such persons or members of committees who are not members of the board in such amounts as it shall determine to be reasonable.~~

43-3-6.

(a) The executive director shall:

(1) Be a full-time employee of the State Accounting Office and shall serve as the secretary of the board. He or she shall be an individual of good moral character and shall possess such qualifications as the board, with the approval of the state accounting officer, may require;

(2) Take an oath to discharge faithfully the duties of the office;

(3) Keep all records related to the board;

(4) With the approval of the state accounting officer, employ and fix the compensation of individuals as deemed necessary to assist in the duties of the board. If an employee will serve as an investigator, he or she shall have a level of experience or knowledge of the area of practice needing to be examined or investigated, including but not limited to accounting, auditing, and taxes, that is acceptable to the board;

(5) Prepare and maintain a public roster containing the names and business addresses of all current licensees and individuals registered as foreign accountants. A copy of such roster shall be available upon request at a fee prescribed by the board sufficient to cover the cost of printing.

(6) Schedule the time and location for all examinations and hearings;

(7) Maintain a schedule of all meetings and hearings of the board that shall be available for public review; and

(8) Make a report to the Governor on or before the second Tuesday in January of each year covering the activities of the board for the previous calendar year, which shall be made available to any member of the General Assembly upon request.

(b) With the approval of the state accounting officer, the executive director may contract with any person or agency who is not an employee of the State Accounting Office to implement any provision of this chapter and to fulfill the responsibilities of the board.

(c) The executive director and other board employees shall be allowed reimbursement for travel and other expenses necessarily incurred in the performance of their duties in the same manner as other employees of this state and shall receive payment of the same in the manner provided for the board.

43-3-7.

The board by rule or regulation shall be authorized to charge an examination fee, license fee, license renewal fee, or similar fee and may establish the amount of the fee to be charged by rule or regulation. Fees shall be reasonable and shall be determined in such a manner that the total amount of fees charged by the board shall approximate the total of the direct and indirect costs for the operation of the board. Fees may be refunded for good cause, as determined by the executive director.

~~43-3-5.~~ 43-3-8.

(a) The board may promulgate and amend, from time to time, such rules ~~and~~ or regulations, consistent with this chapter and Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' as it deems consistent with or required for the public welfare, for the administration of any provision of this chapter, or for the orderly conduct of the board's affairs. Such rules ~~and~~ or regulations may include, without limiting the generality of the foregoing:

(1) Procedure ~~Rules of procedure~~ for governing the conduct of matters before the board;

(2) Professional ~~Rules of professional~~ conduct for establishing and maintaining high standards of competence and integrity in the practice of public accountancy;

(3) Continuing professional education ~~Regulations governing educational~~ requirements for ~~certification~~ licensure as a certified public accountant ~~and registration as a public accountant and prescribing further educational requirements (requirements of continuing professional education) to be met from time to time by persons so certified or registered, in order to maintain their professional knowledge and competence, as a condition to continuing in the practice of public accountancy~~;

(4) Governance of ~~Regulations governing~~ individuals or firms engaged in this state in the practice of public accountancy;

(5) Governance of firms ~~Regulations governing the registration of offices~~ established or maintained for the practice of public accountancy in this state and the conditions upon which ~~such registration~~ licensure shall be granted, including any requirements that the board may deem necessary to monitor the practice of ~~such office~~ public accountancy to determine whether acceptable standards of competence and integrity in the practice of public accountancy are being maintained; and

(6) Any and all other rules ~~and~~ or regulations which the board deems necessary or appropriate in exercising its functions under this chapter.

(b) The board shall adopt rules or regulations setting the professional standards in performing attest and compilation services, taking into account the American Institute for Certified Public Accountants Statements on Auditing Standards, the Statements on Standards for Accounting and Review Services, the Statements on Standards for Attestation Engagements, and the standards of the Public Company Accounting Oversight Board.

~~(b)~~(c) Prior to the adoption, amendment, or repeal of any rule ~~other than interpretive rules or general statements of policy~~ or regulation, the board shall give notice of its intended action in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' ~~Act,' provided that such comments shall be advisory only.~~ In connection with any rule-making proceeding, formal or informal, the board shall have the power to conduct hearings as provided in, and in accordance with, Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' No such notice shall be required prior to the adoption, amendment, or repeal of any interpretive rules, regulations, or general statements of policy, provided that such rules, regulations, or general statements shall be advisory only.

~~43-3-6.~~ 43-3-9.

(a) As used in this Code section, the term 'good moral character' means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude.

~~(a)~~(b) The certificate of ~~'~~certified public accountant~~'~~ shall be granted by the board to any ~~person~~ individual:

(1) Who has attained the age of 18;

(2) Who is, in the opinion of the board, of good moral character;

(3) Who meets the following requirements of education and experience:

(A)(i) Presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or what the board determines to be the substantial equivalent of an accounting concentration, or with a nonaccounting concentration supplemented by what the board determines to be the substantial equivalent of an accounting concentration, including related courses in other areas of business administration.

(ii) After January 1, 1998, any ~~person~~ individual who has not previously sat for the uniform written examination for the certificate of certified public accountant must have completed a total of 150 semester hours or 225 quarter hours of college education, including a baccalaureate degree awarded by a college or university accredited by either a national or regional accrediting organization recognized by the board. The total educational program shall include an undergraduate accounting concentration as defined by the board or what the board determines to be the substantial equivalent of an undergraduate accounting concentration; and

(B) One year of continuous experience in the accounting field relevant to the practice of public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule~~,~~ or regulation; provided, however, that the board may promulgate rules or regulations stating certain circumstances which shall constitute acceptable breaks in the continuity of ~~said~~ such experience; ~~and~~ provided, further, that the board may accept, in lieu of such year of experience in public accounting, evidence satisfactory to it of one year of continuous employment in the accounting field in industry, business, government, or college teaching; any combination of ~~the above~~ employment in such fields; or any combination of ~~the above~~ employment in such fields and the practice of public accountancy immediately preceding the date of application for the certificate or what the board determines to be the equivalent thereof; and provided, further, that any ~~person certified~~ individual certificated as a certified public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

(4) Who shall have passed an examination approved by the board in such related subjects as the board deems appropriate.

~~(b)~~(c) If the board determines that an applicant lacks good moral character, ~~For the purposes of this Code section, 'good moral character' means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude. For failure to satisfy this requirement,~~ the board may refuse to certify an applicant ~~where~~ when it finds by clear and convincing evidence that there is a substantial connection between the lack of good moral character of the applicant and the potential professional responsibilities of ~~a licensee and the finding by the board of a lack of good moral character is supported by clear and convincing evidence~~ such applicant. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination.

~~(c)~~(d) Any ~~person~~ individual or firm who holds a ~~certificate~~ license as a ~~'~~certified public accountant~~'~~ and who is engaged in the sale of insurance or financial products for which such ~~person~~ individual or firm receives commissions ~~must~~ shall disclose in writing to the client the fact that the ~~person shall~~ individual or firm will receive commissions from the sale to the client of any such insurance or financial products; provided, however, that the ~~person~~ individual or firm shall not be required to disclose the actual amount of such commissions. ~~A person who violates this subsection shall be guilty of a misdemeanor.~~

~~43-3-7.~~ 43-3-10.

(a) The board may provide, by rule or regulation, for the general scope of the examination described in paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9. The board may approve the examination and obtain advice and assistance in providing for and grading such examination and the ~~division~~ executive director, with approval of the board, may contract with third parties to perform administrative services with respect to the examination as he or she deems appropriate.

(b) As a prerequisite to sit for the examination, ~~candidates~~ applicants shall meet the education requirements provided in division ~~(a)(3)(A)(i)~~ (b)(3)(A)(ii) of Code Section ~~43-3-6~~ 43-3-9.

(c) An applicant for the certificate of certified public accountant who has successfully completed the examination provided for in paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9 shall ~~have no status~~ not use the CPA title or hold himself or herself out as a certified public accountant until he or she has the requisite education and experience and has received his or her certificate and license as a certified public accountant.

(d) The board, by rule or regulation, may provide for granting a credit to any applicant for satisfactory completion of an examination in any one or more of the subjects provided for in paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9 given by the licensing authority in ~~another jurisdiction~~ any other state. Such ~~regulations~~ rules or regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the

board, shall be at least as thorough as the examination approved by the board at the time of the granting of such credit.

(e) The board, by rule or regulation, may prescribe the time and conditions under which an applicant may retain credit for a portion or portions of the examination provided for in paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9.

~~(f) Application for certification by persons who are not residents of this state shall constitute the appointment of the Secretary of State as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.~~

~~43-3-8.~~

~~Reserved.~~

~~43-3-9.~~ 43-3-11.

Any ~~person~~ individual who has received a certificate as a certified public accountant from the board and who holds a ~~live permit~~ license may be styled and known as a 'certified public accountant.' ~~The division director shall maintain a list of certified public accountants; and, for this purpose, the board may provide by regulation a procedure whereby all certified public accountants are required to register with the board periodically.~~ Any certified public accountant may also be known as a 'public accountant.'

~~43-3-10.~~

~~Reserved.~~

~~43-3-11.~~ 43-3-12.

The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9 and may issue a certificate as a certified public accountant to any ~~person~~ individual who possesses the qualifications specified in paragraphs (1) and (2) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9 and what the board determines to be the substantial equivalent of the qualifications under paragraph (3) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9 and who is a holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of ~~another~~ any other state~~,~~; provided, however, that the certificate held by such ~~person~~ individual was issued by any other state after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9; and provided, further, that such privileges are extended to citizens of this state by ~~the~~ any other state that originally ~~granting~~ granted the certificate. Notwithstanding the foregoing, the examination provided for in paragraph (4) of subsection ~~(a)~~ (b) of Code Section ~~43-3-6~~ 43-3-9 shall be waived by the board in

the case of an applicant who has been engaged in public practice for a period of ten years in ~~another~~ any other state pursuant to the authority ~~issued by~~ of such state.

~~43-3-12.~~ 43-3-13.
Individuals ~~Persons~~ who hold certified public accountant certificates, live permits, or licenses issued prior to July 1, ~~1977~~ 2014, under the laws of this state as they existed on June 30, 2014, shall not be required to undergo recertification or relicensure under this chapter but shall otherwise be subject to all applicable provisions of this chapter. Such certificates, live permits, and licenses issued prior to July 1, ~~1977~~ 2014, shall be considered certificates, live permits, and licenses issued under and subject to this chapter for all purposes.

~~43-3-13.~~
~~Notwithstanding any other provision of this chapter, on and after July 1, 2005, each registered public accountant who holds a live permit and who is in good standing shall be certificated as a certified public accountant. On and after July 1, 2005, the board shall not consider any application for a certificate of registered public accountant.~~

43-3-14.
Application for certification by individuals who are not residents of this state shall constitute the appointment of the executive director as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accountancy in this state by such nonresident holders of certified public accountant certificates. ~~Reserved.~~

~~43-3-15.~~
~~Reserved.~~
~~43-3-16.~~
~~Reserved.~~

~~43-3-17.~~
~~Reserved.~~

~~43-3-18.~~
~~Reserved.~~

~~43-3-19.~~
~~Reserved.~~

~~43-3-20.~~ 43-3-15.
Any ~~person~~ individual who was registered with the board on or before July 1, 1989, as a foreign accountant based on being a holder in good standing of a certificate, license, or

degree in a foreign country constituting a recognized qualification for the practice of public accountancy in such country shall be eligible to renew his ~~live permit~~ or her license under such terms and conditions as provided by ~~law~~ this chapter and the rules ~~and~~ or regulations of the board. Such registered foreign accountant shall be subject to the ~~laws~~ provisions of this chapter and rules ~~and~~ or regulations of the board, including, but not limited to, those concerning continuing professional education requirements and disciplinary actions. Should such registered foreign accountant fail to renew his ~~live permit~~ or her license or have such ~~permit~~ license revoked or suspended, the board may reinstate such registered foreign accountant under the terms and conditions ~~as~~ determined by the board.

~~43-3-21.~~ 43-3-16.

(a) The board shall grant or renew the ~~registration~~ license of a firm practicing public accountancy to firms that meet the following requirements:

(1)(A) Partners, members, or shareholders owning at least a simple majority of the financial interest and voting rights of the firm shall be certified public accountants of ~~some~~ this state or any other state in good standing, except that such partners, members, or shareholders who are certified public accountants and whose ~~principal place of business~~ office location designated by such partners, members, or shareholders who are certified public accountants for purposes of substantial equivalency and reciprocity is in this state and who perform accounting services in this state ~~must~~ shall be required to hold a ~~live permit~~ license from this state.

(B) An individual who has substantial equivalency practice privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18 who performs services for which a firm ~~registration~~ licensure is required under paragraph (4) of subsection (b) of Code Section ~~43-3-24~~ 43-3-18 shall not be required to obtain a certificate or ~~live permit~~ license under this chapter;

(2) The firm shall be in compliance with all requirements and provisions of ~~state~~ law governing the organizational form of the firm in ~~the~~ any other state ~~of~~ that is the firm's ~~principal place of business~~ office location designation for purposes of substantial equivalency and reciprocity;

(3) The firm shall comply with all rules or regulations pertaining to firms ~~registered with~~ licensed by the board;

(4) The resident manager, as such term is defined in the board's rules or regulations, of each office of the firm within this state in the practice of public accountancy shall be a certified public accountant of this state in good standing;

(5) Any ~~firms~~ firm that ~~include~~ includes nonlicensee owners shall comply with the following rules:

(A) The firm shall designate the holder of a ~~live permit~~ license in this state, or in the case of a firm which ~~must register~~ is required to be licensed pursuant to subparagraph (b)(1)(C) of this Code section, a licensee of ~~another~~ any other state who meets the substantial equivalency practice privileges requirements set forth in subsection (b) of Code Section ~~43-3-24~~ 43-3-18, who shall be responsible for the

proper ~~registration~~ licensure of the firm and shall identify that individual to the board;

(B) All nonlicensee owners shall ~~be active individual participants~~ provide services or perform functions in the firm or the firm's affiliated entities; and

(C) The firm shall comply with such other requirements as the board may impose by rule or regulation;

(6) Any holder of a ~~live permit~~ license in this state and any individual who qualifies for substantial equivalency practice privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18 who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the competency requirements set ~~out in the professional standards~~ by the board for such services; and

(7) Any holder of a ~~live permit~~ license in this state and any individual who qualifies for substantial equivalency practice privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18 who signs or authorizes someone to sign the ~~accountants'~~ accountant's report on the financial statements on behalf of the firm shall meet the competency requirements ~~of subparagraph (6) of this subsection~~ set by the board.

(b)(1) The following firms ~~must register~~ shall be required to be licensed under this Code section:

(A) Any firm with ~~an~~ a physical office in this state practicing public accountancy;

(B) Any firm with ~~an~~ a physical office in this state that uses the title 'CPA' or 'CPA firm'; and

(C) Any firm that does not have ~~an~~ a physical office in this state but performs any service described in subparagraph (A), (C), or (D) of paragraph ~~(1)~~ (2) of Code Section 43-3-2 for a client ~~having its home office in this state~~ that specifies a location in this state to which such service is directed.

(2) A firm that does not have ~~an~~ a physical office in this state may perform services described in subparagraph (B) of paragraph ~~(1)~~ (2) or paragraph ~~(3)~~ (4) of Code Section 43-3-2 for a client ~~having its home office in this state, may practice public accountancy as authorized under this Code section,~~ that specifies a location in this state to which any service described in subparagraph (A), (C), or (D) of paragraph (2) of Code Section 43-3-2 is directed and may use the title 'CPA' or 'CPA firm' without ~~registering~~ being licensed as provided in this Code section only if:

(A) It meets the qualifications described in paragraph (1) of subsection (a) of this Code section ~~and it~~;

(B) It complies with the board's rules ~~and~~ or regulations regarding peer review; and

~~(B)~~(C) It performs such services through an individual with substantial equivalency practice privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18.

(3) A firm that does not have ~~an~~ a physical office in this state and that is not subject to the requirements of subparagraph (C) of paragraph (1) ~~of this subsection~~ or paragraph (2) of this subsection may perform other professional services, as such services are defined in the board's rules or regulations, included in the practice of

public accountancy while using the title 'CPA' or 'CPA firm' in this state without ~~registering~~ being licensed under this Code section only if:

(A) It performs such services through an individual with substantial equivalency practice privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18; and

(B) It can lawfully perform such services in ~~the~~ any other state where ~~said~~ such individuals with substantial equivalency practice privileges have their ~~principal place of business~~ office location designated by such individuals for purposes of substantial equivalency and reciprocity.

(c) Each firm required to ~~register~~ be licensed under paragraph (1) of subsection (b) of this Code section shall be ~~registered~~ licensed biennially under this chapter with the board, provided that any firm for which such requirement becomes effective between biennial reporting periods shall ~~register~~ become licensed with the board within 60 days. Such a firm ~~must~~ shall be required to show that all attest and compilation services rendered in this state are under the supervision of ~~a person~~ an individual holding a ~~live permit~~ license issued by ~~this state~~ the board or ~~a person~~ an individual with substantial equivalency practice privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18. The board, by rule or regulation, shall prescribe the procedure to be followed in effecting such ~~registration~~ licensure and the information which ~~must~~ shall be required to be provided regarding the firm and its practice.

(d) A ~~registered~~ licensed firm shall file written notice to the board, within 60 days after the occurrence of the opening of a new office or the closing or change of address of any of its offices in this state. Each such office shall be under the supervision of a resident manager who may be a partner, principal, shareholder, member, or a staff employee holding a ~~live permit~~ license in this state.

(e) Neither the denial of a firm ~~registration~~ license under this Code section nor the denial of the renewal of a firm ~~registration~~ license under Code Section ~~43-3-23~~ 43-3-17 shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Notice and hearing within the meaning of ~~said~~ Chapter 13 of Title 50 shall not be required, but the applicant shall be allowed to appear before the board if he or she requests.

~~43-3-22.~~
~~Reserved.~~

~~43-3-23.~~ 43-3-17.

(a) In each renewal year, each firm ~~registered~~ licensed in ~~the~~ this state pursuant to Code Section ~~43-3-21~~ 43-3-16 which has issued an ~~audit, review,~~ attest or compilation report within the 24 months preceding the date of expiration of the firm's ~~registration must~~ license shall submit, with the application for renewal, evidence of satisfactory completion of a board approved peer review ~~program~~ within the 36 months preceding the date of such firm's ~~registration~~ license expiration. Satisfactory completion shall mean that the firm has undergone the entire peer review process and that the report of the peer review indicates that the firm maintains acceptable standards of competence

and integrity in the practice of public accountancy. Firms which have not issued an ~~audit, review,~~ attest or compilation report within the 24 months preceding the date of the firm's ~~registration~~ license expiration ~~must~~ shall submit written confirmation of such fact with the application for the firm's ~~registration~~ license renewal. The board may waive or modify the requirements of this subsection in cases of hardship or other such circumstances which the board deems appropriate. The provisions of this subsection shall not apply to the practice of an enrolled agent before the federal Internal Revenue Service or the Department of Revenue if the enrolled agent is not otherwise engaged in the practice of public ~~accounting~~ accountancy in this state.

(b) No firm shall be ~~registered~~ licensed in ~~the~~ this state which shall have failed to comply with the provisions of this Code section ~~and all~~, applicable requirements of law, and rules or regulations promulgated by the board.

(c) This Code section shall be construed to apply only to firms required to be ~~registered~~ licensed under this chapter. ~~Nothing contained in this Code section shall prohibit any person from operating under the provisions of subsection (b) of Code Section 43-3-36.~~

~~43-3-24.~~ 43-3-18.

(a) A ~~permit~~ license to engage in the practice of public accountancy in this state shall be issued by the ~~division~~ executive director, at the direction of the board, to each ~~person~~ individual who is certificated as a certified public accountant under Code ~~Sections 43-3-6 through~~ Section 43-3-9 or 43-3-12 or registered as a foreign accountant under Code Section ~~43-3-20~~ 43-3-15 who shall have furnished evidence, satisfactory to the board, of compliance with the continuing professional education requirements of Code Section ~~43-3-25~~ 43-3-19, and to ~~individuals and~~ firms ~~registered~~ licensed under Code Section ~~43-3-21~~ 43-3-16, provided that such ~~entities~~ firms are maintained and ~~registered~~ licensed as required under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17. There shall be a biennial ~~permit~~ license fee in an amount to be determined by the board.

(b) Individuals may practice ~~based on a~~ under substantial equivalency practice ~~privilege~~ privileges as follows:

(1) An individual whose ~~principal place of business is outside this~~ office location designation by such individual for purposes of substantial equivalency and reciprocity is in any other state shall be presumed to have qualifications substantially equivalent to this state's requirements, shall have all the privileges of ~~live permit~~ license holders of this state, and may practice public accountancy in this state without the requirement to obtain a ~~live permit, certificate, or registration~~ license under this chapter or to otherwise notify ~~or register with~~ the board or pay any license fee if the individual:

(A) Holds a ~~valid~~ current license as a certified public accountant from any other state which requires, as a condition of licensure, that an individual:

(i) Has at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university;

(ii) Achieves a passing grade on the Uniform Certified Public Accountant Examination; and

(iii) Possesses at least one year of experience, including providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, which may be obtained through government, industry, academic, or public practice all of which was verified by a licensee; or

(B) Holds a ~~valid~~ current license as a certified public accountant from any other state which does not meet the requirements of subparagraph (A) of this paragraph but such individual's certified public accountant qualifications are substantially equivalent to those requirements. Any individual who passed the Uniform Certified Public Accountant Examination and holds a ~~valid~~ current license issued by any other state prior to January 1, 2012, may be exempt from the education requirement in division (1)(A)(i) of this subsection for purposes of this subparagraph;

(2) Notwithstanding any other provision of law, an individual who offers or renders professional services, as such services are defined in the board's rules or regulations, whether in person or by mail, telephone, or electronic means, under this Code section shall be granted substantial equivalency practice privileges in this state and no notice, license, fee, or other submission shall be provided by any such individual. Such an individual shall be subject to the requirements of paragraph (3) of this subsection;

(3) An individual licensee of ~~another~~ any other state exercising the privilege afforded under this subsection, and ~~the~~ any firm that employs ~~that~~ such individual, shall simultaneously consent, as a condition of exercising this privilege:

(A) To the personal and subject matter jurisdiction and disciplinary authority of the board;

(B) To comply with the provisions of this chapter and the board's rules ~~and~~ or regulations;

(C) That in the event the ~~license from the state of the individual's principal place of business is no longer valid~~ individual's license issued by any other state designated by such individual for purposes of substantial equivalency and reciprocity is not current, the individual shall cease ~~offering or rendering professional services~~ practicing public accountancy in this state individually and on behalf of a firm; and

(D) To the appointment of the ~~state~~ board that issued the individual's license as the individual's agent upon whom process may be served in any action or proceeding by this state's board against the individual;

(4) An individual who qualifies for the substantial equivalency practice ~~privilege~~ privileges under this Code section who, for ~~any entity with its home office in this state, performs~~ a client who specifies a location in this state to which any service under subparagraph (A), (C), or (D) of paragraph ~~(1)~~ (2) of Code Section 43-3-2 ~~may do so only~~ is directed, may only perform such services through a firm that ~~has registered~~ is licensed with the board under Code Section ~~43-3-21~~ 43-3-16; and

(5) An individual qualifying for the substantial equivalency practice ~~privilege~~ privileges under paragraph (1) of this subsection may provide expert witness services in this state and shall be deemed to be in compliance with Code Section 24-7-702 for purposes of such services.

(c) Subsection (b) of this Code section shall not be applied or construed to ~~permit~~ allow an individual to engage in the practice of public accountancy in this state based on ~~a~~ substantial equivalency ~~privilege~~ practice privileges unless such individual holds a ~~valid~~ current license as a certified public accountant in ~~a~~ any other state which grants similar reciprocity to license holders in this state.

~~43-3-25.~~ 43-3-19.

(a) ~~Every~~ When an individual for one year or more has been certificated as a certified public account or was registered as a foreign accountant in this state before July 1, 1989, and has maintained licensure under such status, his or her application for renewal of a license ~~live permit by any individual who is and has been certificated as a certified public accountant or registered as a foreign accountant by this state for one year or more~~ shall be accompanied or supported by such evidence as the board shall prescribe of satisfactory completion of continuing professional education as provided in this Code section, provided that the board may relax or suspend requirements of continuing professional education in instances where an applicant's health requires it or in instances of individual hardship.

(b) The board shall be authorized to promulgate rules ~~and~~ or regulations providing for ~~the~~ continuing professional education which shall include:

(1) The number of hours of acceptable continuing professional education, which shall not be less than 60 hours, required to renew a ~~live permit, for the~~ license;

(2) The assignment of credit for hours in excess of the minimum continuing professional education requirement~~, and for the~~;

(3) The proration of required continuing professional education hours~~. The board may establish criteria~~;

(4) Criteria for continuing professional education programs~~, provide for accreditation of such programs, enter into agreements with sponsors of such programs, and provide for the~~;

(5) Accreditation of continuing professional education programs; and

(6) The assignment of credits for participation in ~~such~~ continuing professional education programs.

(c) All provisions of this chapter relating to continuing professional education shall be administered by the board; and, in addition to the other powers conferred on the board by this chapter, the board shall have the authority to appoint a committee or committees composed of certified public accountants, as it deems appropriate, to administer, implement, and otherwise carry out the provisions of this chapter relating to continuing professional education. The board may enter into agreements with sponsors to provide continuing professional education.

(d) Any licensee who has attained the age of 70 shall be exempt from the continuing professional educational requirements of this Code section and paragraph (1) of Code Section 43-3-24.

~~43-3-26.~~
~~Reserved.~~

~~43-3-27.~~
~~Reserved.~~

43-3-20.
(a) The executive director shall be vested with the power and authority to make, or cause to be made through employees or agents of the board, such investigations as the board may deem necessary or proper for the enforcement of the provisions of this chapter. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, electronically stored information, or other material relating to the fitness of any licensee or applicant. The executive director or his or her appointed representative may issue subpoenas to compel access to any writing, document, electronically stored information, or other material upon a determination that reasonable grounds exist for the belief that a violation of this chapter may have occurred.
(b) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the executive director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other than a hearing before the board, nor shall such records be subject to subpoena; provided, however, that the board shall be authorized to release such records to another enforcement agency or licensing authority.
(c) If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by such licensee in his or her capacity as licensee shall be admissible at any hearing held to determine whether a violation of this chapter has occurred, regardless of any statutory privilege; provided, however, that any documentary or electronic evidence relating to a person who received such services shall be reviewed in camera and shall not be subject to Article 4 of Chapter 18 of Title 50.
(d) The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or applicant and the legal counsel for such licensee or applicant.
(e) An individual may file a complaint against a licensee or applicant by submitting his or her complaint to the board or the executive director. When a complaint is filed, within 30 days after the conclusion of the investigation of such complaint, the executive director shall notify the complainant of the disposition of such complaint. In addition, the executive director shall upon request by the complainant advise the complainant as to the status of the complaint during the period of time that such complaint is pending.
(f) An individual, firm, association, authority, or other entity shall be immune from civil liability and criminal prosecution for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of this chapter relating

to a licensee's or applicant's fitness to practice a business or profession licensed under this chapter or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any individual who testifies or makes a recommendation to the board in the nature of peer review, in good faith, without fraud or malice, before the board in any proceeding involving the provisions of this chapter relating to a licensee's or applicant's fitness to practice the business or profession licensed by the board shall be immune from civil liability and criminal prosecution for so testifying.

(g) Neither the issuance of a private reprimand nor the denial of a license by reciprocity nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a previously denied license shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the licensee or applicant shall be allowed to appear before the board if he or she so requests. The board may resolve a pending action by the issuance of a letter of concern. Such letter shall not be considered a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be disclosed to any individual except the licensee or applicant.

(h) If a licensee or applicant after reasonable notice fails to appear at any hearing of the board for such licensee or applicant, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served personally upon the licensee or applicant or served by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is served by certified mail or statutory overnight delivery and is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the executive director, or his or her designee, shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon the executive director, or his or her designee, shall be deemed to be service upon the licensee or applicant.

(i) The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of such license, subject to reinstatement at the discretion of the board. The board may restore and reissue a license in the practice of public accountancy and, as a condition thereof, may impose any disciplinary sanction provided by this chapter.

~~43-3-28.~~ 43-3-21.

(a) After notice and hearing as provided in Code Section ~~43-3-30~~ 43-3-23, the board may revoke or suspend any certification issued under Code ~~Sections 43-3-6 through~~ Section 43-3-9 or 43-3-12 or a registration issued under Code Section ~~43-3-20~~ 43-3-15 or may revoke, suspend, or refuse to renew any ~~live permit~~ license or may censure the holder of any such ~~permit~~ license, or may forbid an individual from exercising the

substantial equivalency practice ~~privilege~~ privileges, for any cause which the board may deem sufficient, including, without limiting the generality of the foregoing, any one or any combination of the following causes:

(1) Violation of any rule, regulation, or order promulgated by the board in accordance with this chapter;

(2) Fraud or deceit in obtaining certification as a certified public accountant ~~or registration as a public accountant~~, in obtaining ~~registration~~ certification under this chapter, or in obtaining a ~~live permit~~ license;

(3) Violation of any of the provisions of ~~Code Section 43-3-35 or any other Code section of~~ this chapter;

(4) Dishonesty, fraud, or gross negligence in the practice of public accountancy;

(5) Commission of a felony under the laws of ~~any~~ this state or any other state or of the United States;

(6) Commission of any crime, an element of which is dishonesty or fraud, under the laws of ~~any~~ this state or any other state or of the United States;

(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant or as a public accountant by any other state for any cause other than voluntary withdrawal or failure to pay ~~an annual registration~~ a licensing fee in such other state;

(8) Suspension or revocation of the right to practice any profession before any state or federal agency;

(9) Failure to furnish evidence of satisfaction of requirements of continuing professional education as required by the board pursuant to Code Section ~~43-3-25~~ 43-3-19 or to meet any conditions with respect to continuing professional education which the board may have ordered under ~~that Code section~~ Code Section 43-3-19;

(10) Conduct which discredits the accounting profession; or

(11) Failure of such holder's firm to ~~register or~~ renew its ~~registration~~ license under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17 or the failure of such firm to comply with any of the provisions of Code Section ~~43-3-23~~ 43-3-17.

(b) An individual, ~~A person,~~ firm, ~~corporation,~~ association, authority, or other entity shall be immune from civil ~~and criminal~~ liability and criminal prosecution for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice public ~~accounting~~ accountancy or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any ~~person~~ individual who testifies or who makes a recommendation to the board in the nature of peer review, in good faith, without fraud~~,~~ or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice public ~~accounting~~ accountancy shall be immune from civil ~~and criminal~~ liability and criminal prosecution for so testifying.

~~43-3-29.~~ 43-3-22.

(a) After notice and hearing, as provided in Code Section ~~43-3-30~~ 43-3-23, the board, ~~in its discretion,~~ may revoke the ~~registration and permit~~ license to practice of a firm if at any time it does not have all the qualifications prescribed by the Code section under which it qualified for ~~registration~~ licensure.

(b) After notice and hearing as provided in Code Section ~~43-3-30~~ 43-3-23, the board may revoke or suspend the ~~registration~~ license of a firm or may revoke, suspend, or refuse to renew its ~~valid permit~~ license or may censure the holder of any ~~such permit~~ license for any of the following causes in addition to those enumerated in Code Section ~~43-3-28~~ 43-3-21:

(1) The revocation or suspension of the certificate or ~~registration~~ license or the revocation ~~or~~, suspension, or refusal to renew the ~~permit~~ license to practice of any partner, member, or shareholder required by law to have such certificate~~, registration,~~ or ~~permit~~ license as a condition to the firm's ~~registration or permit~~ licensure;

(2) The cancellation, revocation, suspension, or refusal to renew the authority of the firm, or any partner, member, or shareholder thereof, to practice public accountancy in any other state for any cause other than voluntary withdrawal or failure to pay ~~registration~~ licensing fees in such other state; or

(3) The failure of such firm to ~~register~~ become licensed or renew its ~~registration~~ license under Code Section ~~43-3-21~~ 43-3-16 or the failure of such firm to comply with any of the provisions of Code Section ~~43-3-23~~ 43-3-17.

~~43-3-29.1.~~

~~After notice and hearing as provided in Code Section 43-3-30, the board may impose any one or more of the following sanctions in addition to the actions described in Code Sections 43-3-28 and 43-3-29 for any of the causes described in Code Sections 43-3-28 and 43-3-29:~~

~~(1) Require the licensee or licensees to complete successfully the specific courses or types of continuing education as specified by the board or pass special examinations as specified by the board, all at the cost and expense of the licensee or licensees;~~

~~(2) Require the licensee or firm holding a live permit to submit to a preissuance review prior to the issuance of any future reports, in a manner and for a duration as set by the board by a reviewer selected by the board at the licensee's or holder's cost and expense; or~~

~~(3) Require a licensee or firm holding a valid permit to submit to a peer review of its accounting and auditing practices upon such terms and conditions as shall be determined by the board at the cost and expense of such licensee or holder of a valid permit.~~

~~43-3-30.~~ 43-3-23.

(a) The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person.

(b) Notice, rules of procedure, right to review, and any other matters arising with respect to all adjudicative hearings conducted by the board shall be determined in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
(c) Before the board shall revoke or suspend a ~~permit~~ license, a certificate, ~~registration,~~ or substantial equivalency practice ~~privilege~~ privileges, it shall provide for a hearing for the holder of such ~~permit~~ license, certificate, ~~registration,~~ or practice ~~privilege~~ privileges in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Any person who has exhausted all administrative remedies available within this chapter and who is aggrieved by a final decision in a contested case ~~is~~ shall be entitled to judicial review in accordance with Chapter 13 of Title 50.
(d) Initial judicial review of a final decision of the board shall be held solely in the superior court of the county of domicile of the State Accounting Office.

43-3-24.
After notice and hearing as provided in Code Section 43-3-23, the board may impose any one or more of the following sanctions in addition to the actions described in Code Sections 43-3-21, 43-3-22, and 43-3-25 for any of the causes described in Code Sections 43-3-21, 43-3-22, and 43-3-25:
(1) Require the licensee to complete successfully the specific courses or types of continuing professional education as specified by the board in accordance with Code Section 43-3-19 or pass special examinations as specified by the board, all at the cost and expense of the licensee;
(2) Require the licensee or firm holding a license to submit to a preissuance review prior to the issuance of any future reports, in a manner and for a duration as set by the board by a reviewer selected by the board at the licensee's cost and expense; or
(3) Require a licensee or firm holding a license to submit to a peer review of its accounting and auditing practices upon such terms and conditions as shall be determined by the board at the cost and expense of such licensee.

43-3-25.
(a) Upon a finding by the board that an individual or firm governed by this chapter has violated any rule, regulation, or order promulgated by the board or any provision of this chapter, the board may impose a civil penalty, not to exceed $5,000.00 for each violation.
(b) In determining the amount of the penalty to impose for a violation, the board shall consider:
(1) The seriousness of the violation, including:
(A) The nature, circumstances, extent, and gravity of any prohibited act; and
(B) The hazard or potential hazard to the public;
(2) The economic damage to property caused by the violation;
(3) The history of any previous violation by the individual or firm;
(4) The amount necessary to deter a future violation;
(5) Any efforts on the part of the individual or firm to correct the violation; and

(6) Any other matter that justice may require.
(c) The board by rule or regulation may adopt a schedule for purposes of this Code section that prescribes ranges in the amounts of civil penalties to be imposed for specified types of conduct and circumstances.

43-3-25.1.
(a) The following shall be available to an applicant, the board, and the board's employees and agents, but shall be treated as confidential, not subject to Article 4 of Chapter 18 of Title 50, and shall not be disclosed without the approval of the board:
(1) Applications and other personal information submitted by applicants;
(2) Information, favorable or unfavorable, submitted by a reference source concerning an applicant; and
(3) Examination questions and other examination materials.
(b) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes, shall be treated as confidential and not subject to Article 4 of Chapter 18 of Title 50; provided, however, that such deliberations may be released only to a federal enforcement agency or licensing authority or any other state's enforcement agency or licensing authority.
(c) Releasing the documents pursuant to this Code section shall not subject any otherwise privileged documents to the provisions of Article 4 of Chapter 18 of Title 50.

43-3-26.
The executive director shall be authorized to provide to any licensing authority of this or any other state, upon inquiry by such authority, information regarding a past or pending investigation of or disciplinary sanction against any applicant for licensure by the board or licensee of the board notwithstanding the provisions of subsection (b) of Code Section 43-3-20 or any other law to the contrary regarding the confidentiality of that information; provided, however, that such information shall only be shared after receiving written confirmation from the recipient authority that it assures preservation of confidentiality and the licensee has been given reasonable notice that the information shall be provided to another entity. Nothing in this chapter shall be construed to prohibit or limit the authority of the executive director to disclose to any person or entity information concerning the existence of any investigation for unlicensed practice being conducted against any person who is neither licensed nor an applicant for licensure by the board.

43-3-27.
(a) Any individual issued a license or certification under this chapter or providing services under substantial equivalency practice privileges and convicted under the laws of this state, the United States, any other state, or any other country of a felony as defined in paragraph (3) of subsection (a) of Code Section 43-1-19 shall be required to notify the board of such conviction within 30 days of such conviction. The failure of

such individual to notify the board of a conviction shall be considered grounds for revocation of his or her license or other authorization issued pursuant to this chapter.
(b) The board may suspend the license of an individual who has been certified by a federal agency and reported to the board for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. Prior to the suspension, the licensee shall be entitled to notice of the board's intended action and opportunity to appear before the board. A suspension of a license under this Code section is not a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' A license suspended under this Code section shall not be reinstated or reissued until the individual provides the board a written release issued by the reporting agency stating that the individual is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If the individual has continued to meet all other requirements for licensure during the period of suspension, reinstatement of the license shall be automatic upon receipt of the notice and payment of any reinstatement fee which the board may impose.

~~43-3-31~~. 43-3-28.
Upon written application after a hearing pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' the board may recertificate a certified public accountant or reregister a foreign accountant whose certification or registration has been revoked or may reissue or modify the suspension of a ~~live permit~~ license or substantial equivalency practice ~~privilege~~ privileges which ~~has~~ have been revoked or suspended.

~~43-3-32.~~ 43-3-29.
(a) All statements, records, schedules, working papers, computer printouts, computer tapes, and memoranda made by a certified public accountant ~~or public accountant~~ incident to, or in the course of, professional service to clients by such certified public accountant ~~or public accountant~~, except reports submitted by a certified public accountant ~~or public accountant~~ to a client, shall be and remain the property of such certified public accountant ~~or public accountant~~ and his or her partners, fellow shareholders, or fellow members of the firm, in the absence of an express agreement between such certified public accountant ~~or public accountant~~ and ~~the~~ his or her client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client or his or her personal representative or ~~his~~ assignee, to anyone other than one or more surviving partners, fellow shareholders, or fellow members of the firm of such certified public accountant ~~or public accountant~~.
(b) All communications between a certified public accountant ~~or public accountant~~ or employee of such certified public accountant ~~or public accountant~~ acting in the scope of such employment and the person for whom such certified public accountant~~, public accountant,~~ or employee shall have made any audit or other investigation in a professional capacity and all information obtained by a certified public accountant~~,~~

~~public accountant,~~ or such an employee in his or her professional capacity concerning the business and affairs of clients shall be deemed privileged communications in all courts or in any other proceedings whatsoever; and no such certified public accountant~~, public accountant,~~ or employee shall be permitted to testify with respect to any of such matters, except with the written consent of such person or client or such person's or client's legal representative~~,~~; provided, however, that nothing in this subsection shall be construed as prohibiting a certified public accountant~~, public accountant,~~ or such an employee from:

(1) Disclosing any data required to be disclosed by the standards of the accounting profession in rendering an opinion on the presentation of financial statements or in making disclosure where the practices or diligence of the accountant in preparing, or in expressing an opinion upon, such financial statements are contested;

(2) Disclosing any data ~~where the professional services of~~ when the practice of public accountancy by the accountant ~~are~~ is being contested by or against the client for whom ~~such services were~~ the practice of public accountancy was performed or any representative or assignee of such client;

(3) Disclosing any data to other certified public accountants~~, public accountants,~~ or employees thereof in connection with practice reviews and ethics reviews sponsored by professional groups, the purpose of which reviews is to survey such accountant's business practices, audits, and work papers or to review ethical considerations concerning such accountant; or

(4) Disclosing any data pertaining to an application, investigation by the board, or hearing on its behalf, so long as such data shall be received by the board in camera and shall not be disclosed to the public; and provided, further, that no disclosure provided for in this paragraph shall constitute a waiver of the privilege established in this subsection.

(c) The proceedings of and data obtained through peer review or by the board pursuant to paragraph (3) of subsection (b) of this Code section shall not be subject to discovery or introduction into evidence in any civil action, except in a hearing before the board, against a certified public accountant for matters which are the subject of evaluation and review by such peer review or the board; and no individual who was in attendance at a meeting of such peer review or the board shall be permitted or required to testify in any such civil action, except in a hearing before the board, as to any evidence or the matters produced or presented during the proceedings of such peer review or the board or as to any findings, recommendations, evaluations, opinions, or actions of such peer review or the board or any members thereof; provided, however, that any information, documents, or records otherwise available from original sources shall not be construed as immune from discovery or use in any such civil action merely because they were presented during proceedings of such peer review or the board; and provided, further, that no individual who testifies before such peer review or the board or who is a member of such peer review or the board shall be prevented from testifying as to matters within his or her knowledge, provided that such witness may not be questioned

regarding such witness's testimony before such peer review or the board or opinions formed by the witness as a result of such hearings of such peer review or the board.

~~43-3-33.~~ 43-3-30.

(a) Whenever, in the judgment of the board, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation ~~of Code Section 43-3-35 or any other Code section~~ of this chapter, the board may make application to the superior court of the county in which such acts or practices have occurred or may be reasonably expected to occur for an order enjoining such acts or practices; and upon a showing by the board that such person has engaged or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

(b) The Attorney General shall assist in the enforcement of this chapter. The board is authorized to retain such attorneys as it deems necessary, with the approval of the Attorney General, to assist the board in bringing any action authorized by law.

(c) The electronic, printed, engraved, or written display or uttering by a person of a card, sign, advertisement, instrument, or other device bearing an individual's name in conjunction with the words 'certified public accountant' or any abbreviation thereof shall be prima-facie evidence in any action brought under this Code section or Code Section 43-3-34 that the individual whose name is so displayed caused or procured the electronic, printed, engraved, or written display or uttering of such card, sign, advertisement, instrument, or other device and that such individual is holding himself or herself out to be a certified public accountant holding a license or otherwise claims to be qualified to use such title by virtue of the substantial equivalency practice privileges under subsection (b) of Code Section 43-3-18 or of the firm practice provisions of subsection (b) of Code Section 43-3-16. In any such action, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

~~43-3-34.~~

~~The display or uttering by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device bearing a person's name in conjunction with the words 'certified public accountant' or any abbreviation thereof, or 'public accountant' or any abbreviation thereof shall be prima-facie evidence in any action brought under Code Section 43-3-33 or 43-3-38 that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement, or other printed, engraved, or written instrument or device and that such person is holding himself or herself out to be a certified public accountant or a public accountant holding a live permit or otherwise claims to be qualified to use such title by virtue of the substantial equivalency practice privilege under subsection (b) of Code Section 43-3-24 or of the firm practice provisions of subsection (b) of Code Section 43-3-21. In any such action, evidence of the commission of a single act prohibited by this chapter~~

~~shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.~~

~~43-3-35.~~ 43-3-31.

(a) No individual shall assume or use the title or designation 'certified public accountant' or the abbreviation ~~'C.P.A.'~~ 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such individual is a certified public accountant unless such individual has received a certificate as a certified public accountant under this chapter, holds a ~~live permit~~ license, and all of such individual's physical offices in this state ~~for the practice of public accountancy~~ are maintained and ~~registered~~ licensed as required under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17, provided that a foreign accountant who has registered under Code Section ~~43-3-20~~ 43-3-15 and who holds a ~~live permit~~ license may use the title under which he or she is generally known in his or her country, followed by the name of the country from which he or she received his or her certificate, license, or degree.

(b) No firm ~~or any other person or entity~~ shall assume or use the title or designation 'certified public accountant' or the abbreviation ~~'C.P.A.'~~ 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm~~, person, or entity~~ is composed of certified public accountants unless such firm~~, person, or entity~~ is ~~registered~~ licensed as a firm of certified public accountants under Code Section ~~43-3-21, holds a live permit~~ 43-3-16, and all physical offices of such firm in this state ~~for the practice of public accountancy~~ are maintained and ~~registered~~ licensed as required under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17.

(c) No individual~~, firm, or any other person~~ or ~~entity~~ firm shall assume or use:

(1) Any ~~any~~ title or designation likely to be confused with 'certified public accountant,' including, without limiting the generality of the foregoing, 'certified accountant,' 'enrolled accountant,' 'licensed accountant,' 'licensed public accountant,' or 'registered accountant'; or

(2) Any ~~any~~ abbreviation likely to be confused with ~~'C.P.A.,'~~ 'CPA,' including, without limiting the generality of the foregoing, 'C.A.,' 'E.A.,' 'R.A.,' 'L.A.,' or 'L.P.A.,'

provided that a foreign accountant registered under Code Section ~~43-3-20~~ 43-3-15 who holds a ~~live permit~~ license in this state and all of whose physical offices in this state ~~for the practice of public accountancy~~ are maintained and ~~registered~~ licensed as required under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17 may use the title under which he or she is generally known in his or her country, followed by the name of the country from which he or she received his or her certificate, license, or degree.

(d) No individual shall sign or affix his or her name or any trade assumed name used by him or her in his or her profession or business to any opinion or certificate ~~attesting in any way~~ that states or implies assurance as to the reliability of any representation or estimate in regard to any person or organization embracing ~~(1)~~ financial information~~,~~ or ~~(2)~~ facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, regulations, grants, loans, and

appropriations, together with any wording accompanying, contained in, or affixed on such opinion or certificate, which indicates that he or she has expert knowledge in accounting or auditing unless he or she holds a ~~live permit~~ license and all of his or her physical offices in this state ~~for the practice of public accountancy~~ are maintained and ~~registered~~ licensed under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17, provided that this subsection shall not prohibit any officer, employee, partner, member, or principal of any organization from affixing his or her signature to any statement or report in reference to the affairs of such organization with any wording designating the position, title, or office which he or she holds in such organization, nor shall this subsection prohibit any act of a public official or public employee in the performance of his or her duties as such.

(e) No ~~person~~ individual shall sign or affix, or cause to be signed or affixed, a firm name to any opinion or certificate ~~attesting in any way~~ that states or implies assurance as to the reliability of any representation or estimate in regard to any person or organization embracing ~~(1)~~ financial information~~,~~ or ~~(2)~~ facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, rules, grants, loans, and appropriations, together with any wording accompanying or contained in such opinion or certificate, which indicates that such firm is composed of or employs ~~persons~~ individuals having expert knowledge in accounting or auditing unless the firm holds a ~~live permit~~ license and all of its physical offices in this state ~~for the practice of public accountancy~~ are maintained and ~~registered~~ licensed as required under Code Sections ~~43-3-21 and 43-3-23~~ 43-3-16 and 43-3-17.

(f) A licensee shall not use or participate in the use of any form of public communication having reference to his or her ~~professional services~~ practice of public accountancy which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but ~~is~~ shall not be limited to, a statement or claim which:

(1) Contains a misrepresentation of fact;

(2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) Contains any testimonial, laudatory, or other statement or implication that the licensee's ~~professional services are~~ practice of public accountancy is of exceptional quality, if not supported by verifiable facts;

(4) Is intended or likely to create false or unjustified expectations of favorable results;

(5) Implies educational or professional attainments or licensing recognition not supported in fact;

(6) States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public ~~accounting~~ accountancy, except in accordance with rules or regulations adopted by the board;

(7) Represents that ~~professional services~~ the practice of public accountancy can or will be completely performed for a stated fee when this is not the case or makes representations with respect to fees for ~~professional~~ such services that do not disclose

all variables that may reasonably be expected to affect the fees that will in fact be charged; or

(8) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(g) The board may by rule or regulation prohibit a licensee from soliciting by any direct personal communication an engagement to ~~perform professional services~~ practice public accountancy.

(h) It shall not be a violation of this Code section or chapter for an individual who does not hold a ~~live permit~~ license under this chapter but who qualifies for the substantial equivalency practice ~~privilege~~ privileges under subsection (b) of Code Section ~~43-3-24~~ 43-3-18 to use the title or designation 'certified public accountant' or ~~'C.P.A.'~~ 'CPA' or other titles to indicate that the ~~person~~ individual is a certified public accountant, and such individual may ~~provide professional services~~ engage in the practice of public accountancy in this state with the same privileges as a ~~live permit~~ license holder so long as the individual complies with paragraph (4) of subsection (b) of Code Section ~~43-3-24~~ 43-3-18.

(i) It shall not be a violation of this Code section or chapter for a firm that has not ~~registered with the board or~~ obtained a ~~live permit~~ license under this chapter and that does not have an office in this state to use the title or designation 'certified public accountant' or ~~'C.P.A.'~~ 'CPA' or other titles to indicate that the firm is composed of certified public accountants, and such firm may ~~provide professional services~~ engage in the practice of public accountancy in this state with the same privileges as a ~~registered~~ firm with a ~~live permit~~ license so long as it complies with subsection (b) of Code Section ~~43-3-21~~ 43-3-16.

~~43-3-36.~~ 43-3-32.

(a) Nothing contained in this chapter shall prohibit any ~~person~~ individual who is not a certified public accountant ~~or public accountant~~ from serving as an employee of or an assistant to a certified public accountant ~~or public accountant~~ or firm of certified public accountants ~~or public accountants~~ holding a ~~live permit~~ license or a foreign accountant registered under Code Section ~~43-3-20~~ 43-3-15 and holding a ~~live permit~~ license, provided that such employee or assistant shall not issue or attest to any accounting or financial statement over his or her name.

(b) Nothing contained in this chapter shall prohibit any person from offering to perform or performing for the public, for compensation, any of the following services:

(1) The recording of financial transactions in books of record;

(2) The making of adjustments of such transactions in books of record;

(3) The making of trial balances from books of record;

(4) Internal verification and analysis of books or accounts of original entry;

(5) The preparation of unaudited financial statements, schedules, or reports;

(6) The devising and installing of systems or methods of bookkeeping, internal controls of financial data, or the recording of financial data; or

(7) The preparation of tax returns and related forms.

43-3-33.
(a) As used in this Code section, the term 'service member' means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of 90 days or longer.
(b) Any service member whose license issued pursuant to any provision of this chapter expired while such service member was serving on active duty outside this state shall be permitted to practice public accountancy in accordance with such expired license and shall not be charged with a violation of this chapter related to practicing a profession with an expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within this state. Any such service member shall be entitled to renew such expired license without penalty within six months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member shall present to the board either a copy of the official military orders or a written verification signed by the service member's commanding officer in order to waive any violation of this chapter relating to practicing public accountancy with an expired license.

~~43-3-36.1.~~
~~Notwithstanding any other provisions of this chapter, any licensee who has attained 70 years of age shall be exempt from any continuing professional education requirements of Code Section 43-3-25 or 43-3-29.1.~~

~~43-3-37.~~
~~The proceedings of and data obtained by a peer review committee or the board pursuant to paragraph (3) of subsection (b) of Code Section 43-3-32 shall not be subject to discovery or introduction into evidence in any civil action, except in a hearing before the board, against a certified public accountant or public accountant for matters which are the subject of evaluation and review by such committee or the board; and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any such civil action, except in a hearing before the board, as to any evidence or the matters produced or presented during the proceedings of such committee or board or as to any findings, recommendations, evaluations, opinions, or actions of such committee or board or any members thereof; provided, however, that any information, documents, or records otherwise available from original sources shall not be construed as immune from discovery or use in any such civil action merely because they were presented during proceedings of such committee or board; and provided, further, that no person who testifies before such committee or board or who is a member of such committee or board shall be prevented from testifying as to matters within his or her knowledge, provided that such witness may not be questioned regarding such witness's testimony before such committee or board or opinions formed by the witness as a result of such hearings of the committee or board.~~

~~43-3-38.~~ 43-3-34.

Any person who violates this chapter shall be guilty of a misdemeanor."

SECTION 1-3.

Chapter 5B of Title 50 of the Official Code of Georgia Annotated, relating to the State Accounting Office, is amended by revising Code Section 50-5B-2, relating to administrative units, directors, and employees of the State Accounting Office, as follows:

"50-5B-2.

(a) The state accounting officer shall establish such units within the State Accounting Office as he or she deems proper for its administration, including The Council of Superior Court Judges of Georgia and the Prosecuting Attorneys' Council of the State of Georgia as separate units with distinct accounting functions, and shall designate persons to be directors and assistant directors of such units to exercise such authority as he or she may delegate to them in writing.

(b) The Georgia State Board of Accountancy shall be a division within the State Accounting Office. The state accounting officer shall appoint an executive director of the Georgia State Board of Accountancy. Such executive director shall have such powers and duties as provided under Chapter 3 of Title 43.

~~(b)~~(c) The state accounting officer shall have the authority, within budgetary limitations, to employ as many persons as he or she deems necessary for the administration of the office and for the discharge of the duties of the office. The state accounting officer shall issue all necessary directions, instructions, orders, and rules applicable to such persons. He or she shall have authority, as he or she deems proper, to employ, assign, compensate, and discharge employees of the office within the limitations of the office's appropriation, the requirements of the state system of personnel administration provided for in Chapter 20 of Title 45, and restrictions set forth by law."

PART II

SECTION 2-1.

Code Section 24-5-501 of the Official Code of Georgia Annotated, relating to certain communications as privileged, is amended by revising paragraph (9) of subsection (a) as follows:

"(9) Communications between accountant and client as provided by Code Section ~~43-3-32~~ 43-3-29."

SECTION 2-2.

Code Section 36-81-8.1 of the Official Code of Georgia Annotated, relating to definitions, grant certification forms, filings with the state auditor, forfeiture of funds for noncompliance, and no exemption from liability relative to local government budgets and audits, is amended by revising subsection (b) as follows:

"(b) Each grant of state funds to a recipient unit of local government from the Governor's emergency fund or from a special project appropriation in an amount greater than $5,000.00 shall be conditioned upon the receipt by the state auditor of a properly completed grant certification form. The form shall be designed by the state auditor and shall be distributed with each covered grant as required by this Code section. The grant certification form shall require the certification by the recipient unit of local government and by the unit of local government auditor that the grant funds were used solely for the express purpose or purposes for which the grant was made. Such form shall be filed with the state auditor in conjunction with the annual audit required under Code Section 36-81-7 or 50-6-6 or any other applicable Code section for each year in which such grant funds are expended or remain unexpended by the unit of local government. A recipient unit of local government which is not otherwise subject to the annual audit requirements specified in this subsection shall file a grant certification form with the state auditor no later than December 31 of each year in which such grant funds are expended or remain unexpended. For grant funds to subrecipients, the certification by the unit of local government auditor required by this subsection may also be made by an in-house or internal auditor of the unit of local government who meets the education requirements contained in subparagraph ~~(a)(3)(A)~~ (b)(3)(A) of Code Section ~~43-3-6~~ 43-3-9. The cost of performing any audit required by this subsection or paragraph (1) of subsection (d) of this Code section shall be an eligible expense of the grant. However, the amount charged shall not exceed 2 percent of the amount of the grant or $250.00 per required audit, whichever is less. The unit of local government to whom the grant is made may deduct the cost of any such audit from the funds disbursed to the subrecipient."

PART III

SECTION 3-1.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 150, nays 25.

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

The Speaker Pro Tem assumed the Chair.

HR 1200. By Representatives Roberts of the 155th, England of the 116th, Talton of the 147th, Burns of the 159th, McCall of the 33rd and others:

A RESOLUTION honoring the life of Trooper James David Young 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, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper James David Young on May 4, 1975; and

WHEREAS, a native of Fitzgerald, Georgia, Trooper Young attended the 41st Trooper School and was assigned to service at Post 30 in Cordele, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed by a prisoner while working with the Cordele Police Department; and

WHEREAS, Trooper Young exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART II

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper First Class Donward Francis Langston on July 26, 1983; and

WHEREAS, a native of Summerville, Georgia, Trooper First Class Langston attended the 45th Trooper School and was assigned to service at Post 29 in Cedartown, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed in a patrol car crash on Ga. 1 in Polk County; and

WHEREAS, Trooper First Class Langston exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART III

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Corporal Tyrone Collier Dillard on February 3, 1977; and

WHEREAS, a native of Athens, Georgia, Corporal Dillard attended the 32nd Trooper School and was assigned to service at Post 6 in Gainesville, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed while directing traffic on Ga. 129 near Gainesville; and

WHEREAS, Corporal Dillard exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART IV

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper John Dixon Morris on May 18, 1982; and

WHEREAS, a native of Dublin, Georgia, Trooper Morris attended the 54th Trooper School and was assigned to service at Post 8 in Madison, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after he was killed in a patrol car crash on Atlanta Highway in Monroe, Georgia; and

WHEREAS, Trooper Morris exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART V

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Special Agent Lt. Benjamin Louis Sentell on March 3, 1966; and

WHEREAS, a native of Waynesboro, Georgia, Special Agent Sentell attended the 3rd Trooper School and was assigned to service in Waynesboro; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed in a patrol car crash on State Route 24 near Louisville, Georgia; and

WHEREAS, Special Agent Sentell exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART VI

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper First Class James Keith Stewart, Jr., on April 27, 1991; and

WHEREAS, a native of Vienna, Georgia, Trooper Stewart attended the 57th Trooper School and was assigned to service at Post 30 in Cordele, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed in a patrol car crash on State Route 215 near Pitts, Georgia; and

WHEREAS, Trooper Stewart exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART VII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Special Agent Larry Paul Collins on November 5, 1973; and

WHEREAS, a native of Hawkinsville, Georgia, Special Agent Collins attended the 34th Trooper School and was assigned to service in Americus, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed in an automobile crash on State Route 128 in Taylor County, Georgia; and

WHEREAS, Special Agent Collins exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART VIII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper First Class Keith Harlan Sewell on January 17, 1979; and

WHEREAS, a native of Atlanta, Georgia, Trooper Sewell attended the 49th Trooper School and was assigned to service at Post 8 in Madison, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed in a patrol car crash on State Route 24 in Oconee County; and

WHEREAS, Trooper Sewell exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART IX

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Billy Arthur Tanner on April 11, 1970; and

WHEREAS, a native of Cedartown, Georgia, Trooper Tanner attended the 35th Trooper School and was assigned to service at Post 43 in Calhoun, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after a patrol car crash on State Route 225 in Calhoun, Georgia; and

WHEREAS, Trooper Tanner exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART X

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper First Class William Gaines Andrews, Jr., on May 8, 1977; and

WHEREAS, a native of Thomaston, Georgia, Trooper Andrews attended the 45th Trooper School and was assigned to service at Post 34 in Manchester, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed in a patrol car crash on State Route 41 near Talbotton, Georgia; and

WHEREAS, Trooper Andrews exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XI

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Edward Clifton Taylor on June 26, 1971; and

WHEREAS, a native of Toccoa, Georgia, Trooper Taylor attended the 37th Trooper School and was assigned to service at Post 33 in Milledgeville, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after a patrol car crash on State Route 44 in Jones County; and

WHEREAS, Trooper Taylor exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Mark Allen Page on June 22, 1968; and

WHEREAS, a native of Ellijay, Georgia, Trooper Page attended the 26th Trooper School and was assigned to service with Post 27 in Blue Ridge, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after a patrol car crash on State Route 2 in Union County; and

WHEREAS, Trooper Page exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XIII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Victor Harvey Turpen on February 23, 1965; and

WHEREAS, a native of Tallulah Falls, Georgia, Trooper Turpen attended the 17th Trooper School and was assigned to service with the Motor Vehicle Inspection Unit; and

WHEREAS, this dedicated law enforcement officer's life was cut short after a patrol car crash in Atlanta; and

WHEREAS, Trooper Turpen exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XIV

WHEREAS, Bobby Staton was born in Rabun County, Georgia, and was raised in Clayton, Georgia; and

WHEREAS, he began his career with the Georgia State Patrol on July 7, 1968, and retired as a senior trooper on June 1, 2000, after 32 years of excellent service; and

WHEREAS, he was a dedicated trooper and a good and honest man; and

WHEREAS, Bobby was a master mason in Blue Ridge Lodge # 67 and was a member of the Blue Ridge First Baptist Church; and

WHEREAS, he was a wonderful father and husband and leaves behind his beautiful wife, Claudia Cannon Staton, and their two children, son Cole Staton and daughter Shannon Staton; and

WHEREAS, Bobby Staton passed away on July 2, 2002, from cancer; and

WHEREAS, it is only fitting to dedicate a lasting memorial in honor of his life well lived and his tireless service to the people of Georgia.

PART XV

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the portion of Ga. 107 from the eastern city limit of Fitzgerald to the northwest city limit is dedicated as the Trooper James David Young Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Ga. 1 over Blacks Bluff Road in Floyd County is dedicated as the Trooper First Class Donward Francis Langston Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 11 from its intersection with I-985 to the Jackson County line is dedicated as the Corporal Tyrone Collier Dillard Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 15 from the northern city limit of Eatonton to the southern city limit of Madison is dedicated as the Trooper John Dixon Morris Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 24 from the western city limit of Waynesboro to the intersection of Ga. 305 is dedicated as the Special Agent Lt. Benjamin Louis Sentell Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 215 from the southern city limit of Vienna to the northern city limit of Pitts is dedicated as the Trooper First Class James Keith Stewart, Jr., Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 257 from the southern city limit of Hawkinsville to the northern city limit of Cordele is dedicated as the Special Agent Larry Paul Collins Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 441 over the railroad tracks between the intersection of Ga. 12 and Lower Apalachee Road in Morgan County is dedicated as the Trooper First Class Keith Harlan Sewell Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 6 from the U.S. 27 Bypass to the western city limit of Rockmart is dedicated as the Trooper Billy Arthur Tanner Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 41 from the northern city limit of Talbotton to the southern city limit of Woodland is dedicated as the Trooper First Class William Gaines Andrews, Jr., Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 184 from the Jeanette Jamieson Intersection with Ga. 365 and the Ga. 17 Toccoa Bypass to the intersection of Dicks Hill Parkway is dedicated as the Trooper Edward Clifton Taylor Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 52 from its intersection with Rackley Road to the Dawson County line is dedicated as the Trooper Mark Allen Page Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 15 from the northern city limit of Tallulah Falls to the southern city limit is dedicated as the Trooper Victor Harvey Turpen Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over Lake Burton on US 76 be dedicated as the Trooper Bobby Staton 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 Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation and to the families of Trooper James David Young; Trooper First Class Donward Francis Langston; Corporal Tyrone Collier Dillard; Trooper John Dixon Morris; Special Agent Lt. Benjamin Louis Sentell; Trooper First Class James Keith Stewart, Jr.; Special Agent Larry Paul Collins; Trooper First Class Keith Harlan Sewell; Trooper Billy Arthur Tanner; Trooper First Class William Gaines Andrews, Jr.; Trooper Edward Clifton Taylor; Trooper Mark Allen Page; Trooper Victor Harvey Turpen; and Senior Trooper Robert "Bobby" Caroll Staton.

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 Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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
Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner

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

On the adoption of the Resolution, by substitute, the ayes were 174, nays 0.

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

HR 1544. By Representative Roberts of the 155th:

A RESOLUTION honoring the life of Major Henry Talmage Elrod and dedicating a road in his memory; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

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

PART I

WHEREAS, the State of Georgia lost one of its finest citizens and leaders with the passing of Major Henry Talmage Elrod; and

WHEREAS, Major Elrod was born on September 27, 1905, in Turner County, Georgia, and attended the University of Georgia and Yale University; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Marine Corps, valiantly and courageously defending his fellow Americans during World War II; and

WHEREAS, Major Elrod single handedly attacked a flight of 22 enemy planes over Wake Island and executed several low altitude bombings and strafing runs on enemy ships; and

WHEREAS, he became the first American to sink a Japanese warship, the *Kisaragi*, with small caliber bombs delivered from a fighter aircraft; and

WHEREAS, when all the U.S. aircraft had been destroyed by hostile fire, Major Elrod organized the remaining troops into a beach defense unit which repulsed repeated Japanese attacks; and

WHEREAS, Major Elrod was mortally wounded on December 23, 1941, while protecting his men who were carrying ammunition to a gun emplacement; and

WHEREAS, Major Elrod exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and it is abundantly fitting and proper that a road be dedicated in his honor.

PART II

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 III

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, Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers were influential Tuskegee Airmen who valiantly and courageously served this nation during World War II and were born in or spent years during their childhood in Laurens County, Georgia; and

WHEREAS, a native of Laurens County, Major Herndon Cummings enlisted in the United States Air Corps on June 25, 1942, and was assigned to the 447th Bomber Group with whom he served for four years;

WHEREAS, upon completion of his service with the Air Corps, Major Cummings enlisted with the United States Air Force Reserve and dedicated 20 years of additional service to the nation; and

WHEREAS, Colonel Marion Rodgers was raised in Dublin, Georgia, and served with an anti-aircraft artillery unit and as a radio operator prior to attending flight school; and

WHEREAS, Colonel Rodgers was assigned to the 99th Fighter Squadron, the "Red Tails," and dedicated 22 years to the Air Force before working in the civil service field for 17 years; and

WHEREAS, Colonel Rodgers spent a year working for N.A.S.A. as a program manager on the mission for Apollo 13 and was prominent in the development of electronics and communications procedures with N.O.R.A.D.; and

WHEREAS, Colonel John Whitehead spent several years during his youth in Laurens County and flew several missions over Europe during World War II; and

WHEREAS, known as "Mr. Death" by his fellow pilots, Colonel Whitehead was the first African American test pilot for the Air Force and during his 30 year career spent more than 9,500 hours in the air; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of these distinguished Georgians be appropriately recognized with the naming of an intersection in their honor.

PART IV

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the passing of Deputy David W. Gilstrap on October 9, 2008; and

WHEREAS, a native of Hapeville, Georgia, Deputy Gilstrap graduated from Rabun Gap Nachoochee School and served as a guardian of this nation's freedom and liberty with the United States Armed Forces; and

WHEREAS, as a sergeant in the United States Armed Forces, Deputy Gilstrap was recognized with numerous commendations, including an Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, NCO Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, and Expert Marksmanship Badge for M-16; and

WHEREAS, after his 13 year career in the military, Deputy Gilstrap returned home to a begin his career in law enforcement with the Clarke County Sheriff's Office; and

WHEREAS, a graduate of the North East Georgia Police Academy, Deputy Gilstrap joined the Oconee County Sheriff's Office in 2005 where he worked with the traffic enforcement unit; and

WHEREAS, Deputy Gilstrap exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and it is abundantly fitting and proper that a road be dedicated in his honor.

PART V

WHEREAS, Mr. William Riley Curry served in the Georgia General Assembly during the 1910s and 1920s and entertained many legislators and governors in his home, and he organized and was president and majority stockholder of People's Bank of Shellman, now known as First State Bank of Randolph County, and was a major benefactor of the Georgia Baptist Children's Home, where he established the Nena Ferguson Curry Children's Fund; and at the height of the Great Depression, he established the $100,000.00 Curry Choir of Christianity at Mercer University, which act of philanthropy allowed Mercer University to remain open at a time when many private universities were forced to close, and he developed railroad lines throughout the South with other capitalists, who were also guests at the family home; and

WHEREAS, Mr. Curry built the Curry Home in Shellman, Georgia, in 1906; the home was designed by the architectural firm of Dennis & Dennis of Macon and was constructed by W.I. Jay & Co.; and

WHEREAS, he remodeled the imposing, two-story, white clapboard home in 1926, and in 1963 James Riley Curry, Sr., inherited the property and commissioned a vast renovation, which was undertaken by the Hugh Gaston Architecture Co. of Albany; and

WHEREAS, the current owner, William Scott Curry II, purchased the home from the heirs of the J. R. Curry, Sr., Estate in 2012, and in April of 2013 he began an extensive renovation and remodel of the home; and

WHEREAS, the many interesting historic features of the house include fluted ionic columns, unusually fine, leaded cut-glass windows surrounding the massive front doorway, richly colored stained-glass windows, intricately designed bronze ceilings, mahogany wainscoting of the front entrance hall and formal dining room, and the crystal chandelier in the foyer; and

WHEREAS, the home in Randolph County stands as a fine monument to Mr. William Riley Curry, a successful Georgia entrepreneur and great philanthropist.

PART VI

WHEREAS, Mr. Bobby Eugene Parham has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, after graduating from the University of Georgia College of Pharmacy, Mr. Parham's interest in politics was piqued as he worked as a pharmacist for Representative Culver Kidd at the Culver & Kidd Drugstore; and

WHEREAS, Mr. Parham successfully ran for the Baldwin County School Board and served as a Baldwin County Commissioner before he was elected to the Georgia House of Representatives; and

WHEREAS, he ably and adeptly served his constituents and the State of Georgia as a Representative from 1974 until his retirement in 2009; and

WHEREAS, as a member of the House of Representatives, Mr. Parham served on the House Committees on Appropriations, Rules, and Health & Ecology and as chairperson of the House Committee on Transportation; and

WHEREAS, upon his retirement from the House in 2009, Mr. Parham was elected to the State Transportation Board of the Department of Transportation, representing his hometown of Milledgeville and Baldwin County; and

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

PART VII

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 VIII

WHEREAS, the McDougald family, William Alexander and Catherine Buie McDougald with their youngest child Dougald, immigrated to America in 1841 from the Island of Jura, Great Britain, and settled in North Carolina; and

WHEREAS, Dougald and his sons, John Alexander, Duncan, and William, were successful farmers and turpentine producers and were active in civic projects, especially in Bulloch County, Georgia; and

WHEREAS, John Alexander McDougald was a major donor in the bid to establish the First District A&M School, which later was named Georgia Southern University, and as a member of the city council and mayor helped the City of Statesboro obtain improved water and sewerage and a complete sanitary system; and

WHEREAS, John Alexander McDougald's mansion on South Main Street is listed on the National Register of Historic Places, and he generously gave land to an African American

Baptist church on Highway 67 for the benefit of his workers and their families, a church named St. John the Second; and

WHEREAS, a most notable achievement of John Alexander McDougald is that he attracted to Statesboro and was host to the internationally acclaimed chemist, Dr. Charles Holmes Herty, who in the year 1900 performed experiments on pine trees located on land now occupied by Georgia Southern University and whose research led to the production of Naval Stores shipped from Statesboro around the world; and

WHEREAS, in honor of John Alexander McDougald, the General Assembly created the Herty Advanced Materials Development Center which relocated from Savannah to Georgia Southern University in 2012; and

WHEREAS, other members of the McDougald family who have a rich history in Statesboro and Georgia include Bernard McDougald, who served 30 years as a member of the Statesboro City Council; Ruth McDougald, author of a popular local newspaper column; Walter McDougald, an active spokesperson for the growth of the college and of the community of Clito; Worth McDougald, a noted professor at the University of Georgia who shaped the famed Peabody Awards program; Don McDougald, who brought the first FM radio station to Statesboro, developed WWNS Radio, and established the community's cable television system; Maggie McDougald, one of the early communications lawyers in Georgia; Sally Quinn, a noted television commentator and author of several major books, who married Ben Bradley, former editor of the *Washington Post*; Michael McDougald, who has served eight years as chairman of Georgia Public Broadcasting; and William McDougald, editor of *Southern Living Magazine*; and

WHEREAS, it is abundantly fitting and proper that a road be dedicated in honor of this important and notable Georgia family whose talents and influence stretch from the islands of Scotland to the Pine Forests of Bulloch County, Georgia.

PART IX

WHEREAS, Mr. Ray C. Anderson graduated from the Georgia Institute of Technology and spent over 14 years learning the carpet trade with Deering-Milliken and Callaway Mills before founding Interface, a company that produced the first free-lay carpet tiles in America; and

WHEREAS, since the company's establishment in 1973, Interface has grown to be the world's largest producer of modular commercial flooring with sales in 110 countries and manufacturing facilities on four continents; and

WHEREAS, under the enlightened and thoughtful vision of Mr. Anderson, Interface adopted a Mission Zero promise, which aims to eliminate any negative impact it may

have on the environment by the year 2020 and to reduce or eliminate waste and harmful emissions while increasing the use of renewable materials and sources of energy; and

WHEREAS, a pioneer of conscientious business practices, Mr. Anderson and his dedication to improving the environment have been recognized with numerous awards, including a Design for Humanity Award from the American Society for Interior Designers, a Lifetime Achievement Award from GreenLaw, and a River Guardian Award from the Upper Chattahoochee Riverkeeper organization, just to name a few; and

WHEREAS, Mr. Anderson served as a co-chair on President Clinton's Council on Sustainable Development and the 2008 Presidential Climate Action Plan; and

WHEREAS, a sought-after speaker and advisor on all eco-issues, Mr. Anderson was named one of *TIME* magazine's Heroes of the Environment in 2007, was honored with an inaugural Millennium Award from Global Green, and earned recognition as Entrepreneur of the Year in 1996 from Ernst & Young and *Forbes Magazine*; and

WHEREAS, his leadership was instrumental to the numerous boards on which he served, including The Georgia Conservancy, the Ida Cason Callaway Foundation, Rocky Mountain Institute, the David Suzuki Foundation, Emory University Board of Ethics Advisory Council, the ASID Foundation, and Worldwatch Institute; 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 X

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated public servants with the passing of Judge Arthur M. Kaplan on January 1, 2010; and

WHEREAS, a native of Covington, Georgia, Judge Kaplan was born on January 5, 1925, the beloved son of Nathan Kaplan and Lena Mischelevich Kaplan; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Navy, valiantly and courageously protecting America during World War II in five invasions in the Pacific theater of war; and

WHEREAS, a John Marshall School of Law graduate, Judge Kaplan practiced civil and criminal law for 50 years and was appointed to the Atlanta Municipal Court in 1973 by Mayor Sam Massell; and

WHEREAS, he used the life-saving skills he obtained in the Navy to teach members of the Georgia Bureau of Investigation, Federal Bureau of Investigation, United States

Secret Service, Atlanta Fire Rescue, and nursing students at Grady Memorial Hospital emergency medical care techniques at the Atlanta Police Academy; and

WHEREAS, Judge Kaplan taught more than 15,000 people in emergency medical care and rendered emergency first aid to more than 30,000 people; and

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

PART XI

WHEREAS, the State of Georgia lost an icon of strength with the passing of twelve-year-old Kenneth Webster Stewart, III after a five-year battle with medulloblastoma; and

WHEREAS, his suffering brought together his community with a renewed love and sense of doing the right thing; and

WHEREAS, throughout his journey more than 800 people followed his progress through his Facebook prayer-group page and more than 1,012 people came to pay their respects to his family upon his passing; and

WHEREAS, Kenneth, who one day hoped of serving in the Army, was given the nickname "Soldier Boy" by the community that also dedicated Rock Creek Park Field #12 to his memory by renaming it Kenneth Stewart, III Field "Soldier Boy"; and

WHEREAS, his true love of baseball was further celebrated when he had the opportunity to serve as a bat boy during a baseball game held at Turner Field benefiting Children's Healthcare of Atlanta; and

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

PART XII

WHEREAS, Mr. Marcus Byrd was born in Dawson County, Georgia, a beloved son of C.B. and Annie Byrd; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army, attaining the rank of sergeant;

WHEREAS, Mr. Byrd was dedicated to enriching and uplifting the lives of young people in Dawson County, where he started volunteering with the Boy Scouts of America program in 1958; and

WHEREAS, he started the first Cub Scout pack in Dawson County and served as pack master before later serving as a leader for a Boy Scout troop; and

WHEREAS, Mr. Byrd dedicated three decades to the Boy Scouts of America organization, and under his leadership and tutelage numerous young men went on to earn Eagle Scout rankings and become productive adults; and

WHEREAS, his commitment to the organization was recognized with a Silver Beaver Award; and

WHEREAS, a community leader, Mr. Byrd was a member of Bethel Methodist Church, the Board of Trustees for Lumpkin Campground, and the Etowah Masonic Lodge; and

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

PART XIII

WHEREAS, Mr. Albert Sidney "Sid" Newton has long been recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia, and his passing left a void in the hearts of his family, friends, and neighbors; and

WHEREAS, Mr. Newton was born in Jenkins County, the beloved son of the late John Cleve and Ruby Aycock Newton, and he graduated from the University of Georgia; and

WHEREAS, one of Jenkins County's most successful farmers and dairymen, Mr. Newton was a member of the Jenkins County Farm Bureau and the Georgia Dairy Association; and

WHEREAS, he ably and adeptly served three terms in the Georgia House of Representatives and one term in the Georgia Senate, championing the interests of his constituents; and

WHEREAS, prior to joining the Georgia Senate in 1961, Mr. Newton was a member of the Jenkins County Board of Commissioners for 20 years and served as chairperson for 14 years; and

WHEREAS, his leadership was invaluable as vice president and director of the Bank of Millen, director of Millen Warehouse Company, president of Millen Industrial Development Company, president of the Jenkins County Authority, and vice president of John Wilson Company; and

WHEREAS, a man of deep and abiding faith, Mr. Newton was a member of Millen Methodist Church, where he was active in Bible Class, and was a member of the Millen Rotary Club; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a road in his memory.

PART XIV

WHEREAS, Eurith Dickinson "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 XV

WHEREAS, it is fitting and proper that the late Dr. Martin Luther King, Jr., influential pastor and leader of the civil rights movement in the 1950s and 1960s, be honored by his home state for his many contributions to the greater good of this state and the nation.

PART XVI

WHEREAS, the Sledge family has been part of Peach County since the county's formation, and generations of the Sledge family have been integral leaders in the community; and

WHEREAS, Mr. Carlton Harmon "Bud" Sledge was a lifelong resident of Peach County and patriarch of the Sledge family; and

WHEREAS, Mr. Sledge donated land to the county which allowed for the construction of a bridge and interchange at the intersection of Interstate 75 and Russell Parkway; and

WHEREAS, the lives of countless Peach County residents and visitors have been improved thanks to Mr. Sledge's generous donation; and

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

PART XVII

WHEREAS, Stanton Springs spans 1,620 acres of gently rolling countryside near Covington, Social Circle, Monticello, and Madison, Georgia; and

WHEREAS, Stanton Springs incorporates specific areas for residential, light business/industrial/distribution, commercial/retail, and office uses in mid- to low-rise buildings that blend gracefully with their surrounding environment; and

WHEREAS, this development stands as one of Georgia's premier economic development achievements, and it is abundantly fitting and proper that a road be dedicated in its honor.

PART XVIII

WHEREAS, Mr. Johnny "Eric" Purvis was the last in a long line of Purvis men devoted to building bridges in Georgia; and

WHEREAS, for 59 years, members of the Purvis family built bridges and ensured the safety of countless Georgians traveling on local and state roads; and

WHEREAS, Mr. Purvis was the chief crane operator for Rodgers Bridge Company for 26 years; and

WHEREAS, he worked on bridges from Charlton County to Valdosta, including the Savannah Port, Savannah, Eulonia, Darien, and Dock Junction; and

WHEREAS, Mr. Purvis was working on the bridge at Horse Stamp Church Road in Glynn County when he passed away of a heart attack; and

WHEREAS, a dedicated working man and salt of the Earth gentleman, Mr. Purvis left behind many who cherish his memory and admired his work ethic, including his wife, family, and numerous friends and co-workers; and

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

PART XIX

WHEREAS, Mr. Olief Wainwright was a lifelong resident of the Crowell/Fickling Mill Community in Taylor County; and

WHEREAS, Mr. Wainwright served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously protecting his fellow citizens during the Korean Conflict; and

WHEREAS, a man of deep and abiding faith, Mr. Wainwright was actively involved in his church's ministry, served on mission trips to South America and throughout the United States, and coordinated many construction efforts to repair church roofs, install wheelchair ramps, and build furniture and pews; and

WHEREAS, Mr. Wainwright helped to replace a breached dam at the Taylor County landmark of Fickling Mill on four separate occasions, and due to his hard work and dedication, the landmark continues to be enjoyed by many Taylor County visitors and local residents; and

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

PART XX

WHEREAS, Mrs. Eleanor D. Roosevelt was committed to uplifting the lives of children and her hard work and community spirit have impacted the lives of countless Georgians and Americans; and

WHEREAS, as First Lady of the United States, Mrs. Roosevelt was an influential spokesperson for human rights, children's causes, and women's issues, and her work after her husband's term as president on behalf of the League of Women Voters, volunteering for the American Red Cross, and serving as a foreign diplomat and ambassador earned her the title "First Lady of the World"; and

WHEREAS, the longest serving First Lady in the nation's history, Mrs. Roosevelt is the namesake for the Eleanor Roosevelt School in Warm Springs, which was one of many schools opened during President Franklin D. Roosevelt's tenure as president and was part of the Julius Rosenwald School Building Fund Program which was a major effort to provide education for African American children across the United States; and

WHEREAS, the Rosenwald Fund provided financial support for the construction of schools for African Americans and produced plan books to aid communities with constructing cost-efficient, architect-designed school buildings; and

WHEREAS, the school was named in honor of Mrs. Roosevelt in recognition of her efforts to end segregation and her dedication to civil rights; and

WHEREAS, President Roosevelt delivered the keynote address during the opening ceremony for the school which operated from 1937 to 1972; and

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

PART XXI

WHEREAS, Mr. Rodney Mims Cook has long been recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia, and his passing left a void in the hearts of his family, friends, and neighbors; and

WHEREAS, Mr. Cook was born in Atlanta, the beloved son of the late James Leslie and Bess Mims Cook, and he graduated summa cum laude and as class valedictorian from Washington and Lee University; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Navy as a lieutenant in the Pacific Theater during World War II; and

WHEREAS, one of the first Republicans to be elected in Georgia since Reconstruction, Mr. Cook served simultaneously as a member of the Georgia House of Representatives and as an at-large member of the Atlanta City Council, helping to foster Atlanta's exponential growth during the 1960s and 1970s; and

WHEREAS, as a member of the Georgia House of Representatives he served on the appropriations, ways and means, and industry committees, served as chairman of the Georgia Republican Party, and was the party nominee for Governor in 1978; and

WHEREAS, mentored by Martin Luther King, Sr., and Mayors William Hartsfield and Ivan Allen, Mr. Cook fought to integrate Atlanta neighborhoods with his notable speech on the floor of the Atlanta City Council urging the tearing down of the "Peyton Wall" which was a barrier built to stop black citizens from moving into a white section of Atlanta and was referred to as the "Berlin Wall" by the black community; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a road in his memory.

PART XXII

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, a native of Sparks, Georgia, Staff Sergeant Williams was a graduate of Cook High School and was active with the Adel-Cook Recreational Department; and

WHEREAS, he lost his life in combat in Iraq protecting the freedoms that all United States citizens cherish; 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 XXIII

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, Lieutenant Colonel Charles W. Rowan was born on September 22, 1924, and served as a guardian of this nation's freedom and liberty with the United States Army and the United States Air Force; and

WHEREAS, during his years of service with the United States Army, Lieutenant Colonel Rowan served as a radio operator and bombardier and flew on 24 missions over Germany; and

WHEREAS, Lieutenant Colonel Rowan later joined the United States Air Force to train as a pilot and flew100 missions in the F-80 Shooting Star aircraft during the Korean War; and

WHEREAS, he served as a Forward Air Controller during the Vietnam War and flew 135 missions in the O-35 aircraft before retiring with 26 years of service; and

WHEREAS, Lieutenant Colonel Rowan demonstrated a deep personal commitment to protecting democracy and dedicated his life to ensuring the well-being of his fellow man; and

WHEREAS, it is important that men and women of the armed forces 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, Lieutenant Colonel Rowan 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 XXIV

WHEREAS, Middle and South Georgia are among the few areas remaining in the United States where there are miles of rural landscape, historic small towns, and abundant agricultural operations; and

WHEREAS, the promotion of agri-tourism represents a readily available and effective tool with which to spur economic development; and

WHEREAS, the portions of highways to be included in the Georgia Grown Trail wind through miles of family owned farms; pristine hunting plantations and unique lodging; u-pick farms, farm stands, and hands-on educational farm experiences; farm-to-table restaurants and establishments dedicated to preserving and sharing local recipes, traditions, and crops and farming techniques; and

WHEREAS, dedication of this route as a scenic highway will promote economic well-being through agri-tourism.

PART XXV

WHEREAS, Honorable Emma Gresham has long been recognized by the citizens of this state for the vital role that she has played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, she diligently and conscientiously devoted over two decades of her time, talents, and energy to improving the lives of her neighbors as mayor of the Town of Keysville; and

WHEREAS, Mayor Gresham was born in 1925 in Reidsville, Georgia, the beloved daughter of Reverend Marvin B. Rhodes, an African Methodist Episcopal pastor and teacher, and Ida Rhodes, a church missionary and Sunday school teacher; and

WHEREAS, a graduate of Boggs Academy, Mayor Gresham devoted 32 years to challenging and inspiring the future leaders of this state as an educator in Augusta, teaching second grade and mentally challenged students; and

WHEREAS, in the early 1980's, she became involved with Keysville Concerned Citizens, a group seeking better living conditions for the community, and through her work with this group, Mayor Gresham learned that Keysville had been registered as a town and incorporated, yet had not had official leadership in 55 years; and

WHEREAS, determined to improve the lives of her neighbors through public service, Mayor Gresham was elected mayor in 1985, but due to a loophole in the town's charter which prevented an official election, Mayor Gresham served as mayor for only five hours; and

WHEREAS, after several years of community outreach, legal battles, and two Supreme Court cases, Keysville held an election for mayor in 1988, and Mayor Gresham was again recognized by the people as the most fitting person to lead; and

WHEREAS, located 25 miles south of Augusta in Burke County, Keysville is home to an unofficial population of 319 and during Mayor Gresham's tenure established a water system, a waste-water treatment plant, city streetlights, and a health facility and earned the title of a Certified Literate Community; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished woman be recognized by dedicating a road in her honor.

PART XXVI

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 XXVII

WHEREAS, Lieutenant General Robert E. Gray was an outstanding member and leader in the United States Army; and

WHEREAS, he served as a guardian of this nation's freedom and liberty throughout his three decades of military service and was the first African American commander of Fort Gordon, the first African American commander of the 35th Signal Brigade, the first African American commander of the 82nd Signal Battalion, and the first Signal general officer to serve as the chief of staff and deputy commander of U. S. Army Europe; and

WHEREAS, Lieutenant General Gray's drive and determination led the way for the troops under his command; and

WHEREAS, Lieutenant General Gray commanded the Signal Center of Excellence and Fort Gordon from August 1991 until July 1994 and was instrumental in managing the base expansion with the arrival of new units after the first Persian Gulf War during the nation's Base Realignment and Closure initiatives; and

WHEREAS, after his retirement, Lieutenant General Gray continued to serve the CSRA community and was deeply engaged in supporting community initiatives and projects; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is fitting and proper to dedicate the bridge at Interstate 20 and Lewiston Road in Columbia County as the Lieutenant General Robert E. Gray Memorial Bridge as an appropriate tribute to this outstanding man.

PART XXVIII

WHEREAS, Mr. Robert K. Ballew has long been recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia, and his passing left a void in the hearts of his family, friends, and neighbors; and

WHEREAS, Mr. Ballew was born on March 1, 1926, in Copperhill, Tennessee, the beloved son of the late Robert Fulton Ballew and Helen King Ballew; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army Air Force and was a long-time member of the Blue Ridge United Methodist Church; and

WHEREAS, Mr. Ballew practiced law in Blue Ridge, Georgia, for more than 55 years, opening his own practice on April 1, 1953, and serving as the attorney for an electric company for a number of years; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens; and

WHEREAS, Mr. Ballew was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness who brought joy and happiness to his many friends, neighbors, and family members; and

WHEREAS, a dedicated community leader, Mr. Ballew served as mayor of Blue Ridge and a senator with the Georgia General Assembly and was a 32 degree Mason and Member of the Shrine; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXIX

WHEREAS, the State of Georgia lost one of its finest citizens and leaders with the passing of Mr. George Duke Beasley; and

WHEREAS, Mr. Beasley was born on January 19, 1922, in Indianapolis, and he and his two brothers were raised by their mother, Emma Ruth Vance Beasley; and

WHEREAS, he graduated with honors from Crispus Attucks High School, where he served as captain of the school's basketball team, and attended North Carolina Agricultural and Technical State University; and

WHEREAS, Mr. Beasley served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously defending his fellow Americans during World War II; and

WHEREAS, in addition to his service during World War II, Mr. Beasley served in five military campaigns and was recognized with honors such as the Purple Heart and the U.S. Army Soldier's Medal of Valor for saving the life of a fellow soldier while risking his own; and

WHEREAS, he earned a bachelor's degree from Wilberforce University, where he joined Kappa Alpha Psi Fraternity and was active in the Students for Democratic Action Committee, and a master's degree from Indiana University; and

WHEREAS, a dedicated public servant, Mr. Beasley served as claims director for the Indiana Employment Security Division, Northeast Regional Director and Director of the State Regional Offices for the Ohio Civil Rights Commission, Deputy District Director of the Equal Employment Opportunity Commission, and the head administrator for the Georgia Office of Fair Employment Practices; and

WHEREAS, Mr. Beasley exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and it is abundantly fitting and proper that a road be dedicated in his honor.

PART XXX

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. Charles Elvin Hickox 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 guardian of this nation's freedom and liberty with the United States military; 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, Mr. Hickox embodied the spirit of service and was willing to find meaning in something greater than himself, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of this remarkable and distinguished American be honored appropriately.

PART XXXI

WHEREAS, often called "Mr. Wid," Mr. William Eugene Bone was a talented builder whose legacy stands tribute throughout Taylor County, Georgia, with numerous homes and historic buildings; and

WHEREAS, Mr. Bone's work throughout the county is exemplified by buildings such as the Hugh Cheek home in Butler, the Garrett home in Charing, the Charing post office, and the Cooper home in Rupert, all which were built from 1911 to 1914; and

WHEREAS, he is said to have built the first bridge that crossed Whitewater Creek at a time when automobiles started traveling the route when it was a mere dust trail; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXXII

WHEREAS, Mr. J. Ran Cooper was a leader of the Taylor County community and the way he lived his life stands as an example and inspiration to others; and

WHEREAS, Mr. Cooper's leadership and guidance were instrumental to the Taylor County Board of Commissioners as chairperson, and he promoted the paving of more county roads during his tenure with the board than had ever been accomplished before; and

WHEREAS, he built a country store where he sold groceries and gasoline and had a bus route during World War II to provide employees of Warner Robins Air Force Base with transportation between home and work; and

WHEREAS, Mr. Cooper started Cooper Construction Company in the 1940's and he was a lifetime member and steward of Sand Bethel Methodist Church; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXXIII

WHEREAS, Mr. Reginald S. Carter, Sr., was recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces for over 25 years during World War II and the Vietnam War; and

WHEREAS, Mr. Carter diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Taylor County Board of Education and the Tax Assessors Board; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXXIV

WHEREAS, Rettie and Ewiel E. Hice, Sr., played vital roles in leadership and demonstrated great commitment to improving the welfare of the citizens of Georgia; and

WHEREAS, Mr. and Mrs. Hice diligently and conscientiously devoted innumerable hours of their time, talents, and energy toward the betterment of their community and state; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of these remarkable and distinguished Georgians be recognized by dedicating a bridge in their memory.

PART XXXV

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the passing of Mr. William T. "Boss" Mull; and

WHEREAS, Chief Mull served as police chief of the McCaysville Police Department for 11 years and dedicated 46 years to protecting and serving the citizens of Georgia as a member of law enforcement; and

WHEREAS, Chief Mull tragically lost his life while apprehending a fugitive in Coletown, Georgia; and

WHEREAS, it is abundantly fitting and proper to dedicate a bridge in his honor.

PART XXXVI

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the portion of State Route 112 from Rebecca to Ashburn in Turner County is dedicated as the Major Henry Talmage Elrod Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that this body hereby joins in honoring military veterans and dedicates the portion U.S. Highway 19 from its intersection with the north Lee County line to its intersection with the south Lee County line as Veterans Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. Route 80 at U.S. 441 Bypass in Laurens County is dedicated as the Tuskegee Airmen Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 53 from Mars Hill Road to Union Church Road in Oconee County is dedicated as the Deputy David W. Gilstrap Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. Route 82 over Pachitla Creek in Randolph County is dedicated as the William Riley Curry Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on East Hancock Street and Ga. 24 over the Oconee River in Baldwin County is dedicated as the Bobby Parham Bridge.

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 portion of State Route 67 in Bulloch County from its intersection with US Highway 301/State Route 73 to the Statesboro East Bypass is dedicated as the McDougald Memorial Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Interstate 85 in Troup County from Exit 2 to Exit 18 is dedicated as the Ray C. Anderson Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 237 at Cheshire Bridge in Fulton County is dedicated as the Judge Arthur M. Kaplan Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 53 and Perimeter Road in Dawsonville is dedicated as the Kenneth Webster Stewart, III Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 53 over the Etowah River in Dawson County is dedicated as the Marcus Byrd Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 67 in Jenkins County from the southernmost point of the Ogeechee River Bridges to its intersection with Ga. 121 is dedicated as the Albert Sidney "Sid" Newton Memorial Highway.

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 Dickinson "Ed" Rivers Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 107 from Ga. 90/Ga. 11 in Fitzgerald to U.S. Highway 319 is dedicated as the M.L.K., Jr., Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge at the intersection of Interstate 75 and Russell Parkway in Peach County is dedicated as the C.H. "Bud" Sledge Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 12/U.S. Route 278 in Newton County from .7 miles south of Interstate Route 20 at Exit 101 to the Walton County line north of Interstate Route 20 is dedicated as the Stanton Springs Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 99 over Interstate 95 in Glynn County is dedicated as the Johnny "Eric" Purvis Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over Patsiliga Creek on State Route 137 near Fickling Mill Dam in Taylor County is dedicated as the Olief Wainwright Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 85 Alternate over the railroad tracks in the City of Warm Springs in Meriwether County is dedicated as the Eleanor D. Roosevelt Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Interstate 75 where it merges with Interstate 85 at Exit 242 in Fulton County is dedicated as the Rodney Mims Cook Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 76 in Cook County from 4th Street in Adel to the Brooks County line is dedicated as the United States Army Staff Sergeant Briand T. Williams Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Georgia Highway 135 in Berrien County from its intersection with Georgia Highway 76 to Georgia Highway 168 is dedicated as the Lieutenant Colonel Charles W. Rowan Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Route 41 from the northernmost point of Houston County to the Florida state line is dedicated as the Georgia Grown Trail: 41.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 88 in the city limits of Keysville in Burke County is dedicated as the Mayor Emma Gresham Highway.

BE IT FURTHER RESOLVED AND ENACTED that the interchange of Interstate 475 at Bolingbroke in Monroe County is dedicated as the Veterans Memorial Interchange.

BE IT FURTHER RESOLVED that the signs dedicating the Veterans Memorial Interchange shall include "Home of the 148th BSB, Deployed to Iraq in 2005 and 2006."

BE IT FURTHER RESOLVED AND ENACTED that the bridge at Interstate 20 and Lewiston Road in Columbia County is dedicated as the Lieutenant General Robert E. Gray Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 515 over the Georgia Northeastern Railroad at milepost 2.4 in Fannin County is dedicated as the Robert K. Ballew Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 92 in southern Fulton County from U.S. Route 29 (Roosevelt Highway) to the Douglas County line is dedicated as the George Duke Beasley Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge over Big Creek on U.S. 82.7 miles from Schlatterville and 3.1 miles from Hoboken West in Brantley County is renamed as the Charles E. Hickox Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the southbound bridge on State Route 3 over Whitewater Creek in Taylor County is dedicated as the William Eugene Bone Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the northbound bridge on State Route 3 over Whitewater Creek in Taylor County is dedicated as the J. Ran Cooper Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the southbound bridge on State Route 3 over Cedar Creek in Taylor County is dedicated as the Reginald S. Carter, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 515 over Rock Creek in Gilmer County is dedicated as the Rettie and Ewiel E. Hice, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 5 over the Toccoa River in Fannin County is dedicated as the William T. "Boss" Mull 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 Clerk of the House of is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation, to the families of Major Henry Talmage Elrod; Tuskegee Airmen Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers; Deputy David W. Gilstrap; Mr. William Riley Curry; Mr. Ray C. Anderson; Judge Arthur M. Kaplan; Kenneth Webster Stewart, III; Mr. Marcus Byrd; Mr. Albert Sidney "Sid" Newton; Governor Eurith Dickinson "Ed" Rivers; Dr. Martin Luther King, Jr.; Mr. Carlton Harmon "Bud" Sledge; Mr. Johnny "Eric" Purvis; Mr. Olief Wainwright; Mrs. Eleanor D. Roosevelt; Mr. Rodney Mims Cook; United States Army Staff Sergeant Briand T. Williams; Lieutenant Colonel Charles W. Rowan; Lieutenant General Robert E. Gray; Mr. Robert K. Ballew; Mr. George Duke Beasley; Charles E. Hickox; Mr. William Eugene Bone; Mr. J. Ran Cooper; Mr. Reginald S. Carter, Sr.; Rettie and Ewiel E. Hice, Sr.; and Mr. William T. "Boss" Mull; and Mr. Bobby Eugene Parham; the McDougald family; and Mayor Emma Gresham.

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

Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 175, nays 0.

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

HB 933. By Representatives Atwood of the 179th, Knight of the 130th, Stephens of the 164th, Williams of the 168th, Watson of the 166th and others:

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 remove the sunset for the exemption regarding the sale or use of certain property used in the maintenance or repair of certain aircraft; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representative Cheokas of the 138th was excused from voting on HB 933.

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

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

On the passage of the Bill, the ayes were 163, nays 10.

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

HB 958. By Representatives Nimmer of the 178th, Coomer of the 14th, Riley of the 50th, England of the 116th, Harbin of the 122nd and others:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change certain provisions relating to the state income tax credit for qualified entertainment production companies; to provide for a new exemption from state sales and use taxes to qualified food banks; to provide for a new exemption from state sales and use taxes for covered items on specified dates; to provide a new exemption for purchase of energy efficient products or water efficient products to extend the exemption from state sales and use taxes for competitive projects of regional significance; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change certain provisions relating to the state income tax credit for qualified entertainment production companies; to provide for a new exemption from state sales and use taxes to qualified food banks; to provide for a new exemption from state sales and use taxes for covered items on specified dates; to provide a new exemption for

purchase of energy efficient products or water efficient products to extend the exemption from state sales and use taxes for competitive projects of regional significance; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (7) of subsection (b) and subsection (e) of Code Section 48-7-40.26, relating to the income tax credit for film, video, or digital production, as follows:

"(7) 'Qualified interactive entertainment production company' means a company ~~whose gross income is less than $100 million that is primarily engaged in qualified production activities related to interactive entertainment which has been approved by the Department of Economic Development.~~ that:

(A) Maintains a business location physically located in Georgia;

(B) In the calendar year directly preceding the start of the taxable year of the qualified interactive entertainment production company, had a total aggregate payroll of $500,000.00 or more for employees working within the state;

(C) Has gross income less than $100 million for the taxable year; and

(D) Is primarily engaged in qualified production activities related to interactive entertainment which have been approved by the Department of Economic Development.

This term shall not mean or include any form of business owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on any tax obligation of the state, or a loan made by the state or a loan guaranteed by the state."

"(e)(1) In no event shall the aggregate amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates exceed $25 million for taxable years beginning on or after January 1, 2013, and before January 1, 2014. The maximum credit for any qualified interactive entertainment production company and its affiliates shall be $5 million for such taxable year. When the $25 million cap is reached, the tax credit for qualified interactive entertainment production companies shall expire for such ~~period~~ taxable years.

(2) For taxable years beginning on or after January 1, 2014, and before January 1, 2015, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed $12.5 million.

(3) For taxable years beginning on or after January 1, 2015, and before January 1, 2016, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed $12.5 million.

(4) The tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not be available for taxable years beginning on or after January 1, 2016.

(5) The maximum allowable credit claimed for any qualified interactive entertainment production company and its affiliates shall not exceed $1.5 million in any single year.

(6) The commissioner shall allow the tax credits for qualified interactive entertainment production companies on a first come, first served basis based on the date the credits are claimed.

(7) No qualified interactive entertainment production company shall be allowed to claim an amount of tax credits under this Code section for any single year in excess of its total aggregate payroll expended to employees working within this state for the calendar year directly preceding the start of the year the qualified interactive entertainment production company claims the tax credits. Any amount in excess of such limit shall not be eligible for carry forward to the succeeding years' tax liability, nor shall such excess amount be eligible for use against the qualified interactive entertainment production company's quarterly or monthly payment under Code Section 48-7-103, nor shall such excess amount be assigned, sold, or transferred to any other taxpayer.

(8) Before the Department of Economic Development issues its approval to the qualified interactive entertainment production company for the qualified production activities related to interactive entertainment, the qualified interactive entertainment production company must certify to the department that:

(A) The qualified interactive entertainment production company maintains a business location physically located in this state; and

(B) The qualified interactive entertainment production company had expended a total aggregate payroll of $500,000.00 or more for employees working within this state during the calendar year directly preceding the start of the taxable year of the qualified interactive entertainment production company.

The department shall issue a certification that the qualified interactive entertainment production company meets the requirements of this paragraph; provided, however, that the department shall not issue any certifications before July 1, 2014. The qualified interactive entertainment production company shall provide such certification to the Department of Economic Development. The Department of Economic Development shall not issue its approval until it receives such certification.

~~(2) The commissioner shall allow the tax credits for qualified interactive entertainment production companies on a first come, first served basis based on the date the credits are claimed. When the $25 million cap is reached, the tax credit for qualified interactive entertainment production companies shall expire.~~"

SECTION 2.

Said title is further amended by revising subparagraph (A) of paragraph (57.1), subparagraph (A) of paragraph (75), subparagraph (A) of paragraph (82), and

subparagraphs (A) and (B) of paragraph (93) of Code Section 48-8-3, relating to state sales and use tax exemptions, as follows:

"(57.1)(A) From July 1, ~~2006~~ 2014, until June 30, ~~2010~~ 2016, sales of food and food ingredients to a qualified food bank."

"(75)(A) The sale of any covered item. The exemption provided by this paragraph shall apply only to sales occurring during periods:

(i) Commencing at 12:01 A.M. on ~~August 10, 2012~~ August 1, 2014, and concluding at 12:00 Midnight on ~~August 11, 2012~~ August 2, 2014; and

(ii) Commencing at 12:01 A.M. on ~~August 9, 2013~~ July 31, 2015, and concluding at 12:00 Midnight on ~~August 10, 2013~~ August 1, 2015."

"(82)(A) Purchase of energy efficient products or water efficient products with a sales price of $1,500.00 or less per product purchased for noncommercial home or personal use. The exemption provided by this paragraph shall apply only to sales occurring during periods:

(i) Commencing at 12:01 A.M. on ~~October 5, 2012~~ October 3, 2014, and concluding at 12:00 Midnight on ~~October 7, 2012~~ October 5, 2014; and

(ii) Commencing at 12:01 A.M. on ~~October 4, 2013~~ October 2, 2015, and concluding at 12:00 Midnight on ~~October 6, 2013~~ October 4, 2015."

"(93)(A) For the period commencing January 1, 2012, until June 30, ~~2014~~ 2016, sales of tangible personal property used for and in the construction of a competitive project of regional significance.

(B) The exemption provided in subparagraph (A) of this paragraph shall apply to purchases made during the entire time of construction of the competitive project of regional significance so long as such project meets the definition of a 'competitive project of regional significance' within the period commencing January 1, 2012, until June 30, ~~2014~~ 2016."

SECTION 3.

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

(b) Section 1 of this Act shall be applicable to all taxable years beginning on or after January 1, 2014.

SECTION 4.

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

Pursuant to Rule 133, Representative Dudgeon of the 25th was excused from voting on HB 958.

Pursuant to Rule 133, Representative Ehrhart of the 36th was excused from voting on HB 958.

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

On the passage of the Bill, by substitute, the ayes were 167, nays 5.

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

HB 128. By Representatives Peake of the 141st, Meadows of the 5th, Willard of the 51st, Dempsey of the 13th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the O.C.G.A., relating to the imposition, rate, computation, and exemptions from state income tax, so as to revise and change provisions regarding state income tax credits; to provide for state income tax credits for certain downtown investments; to provide for state income tax credits for qualified contributions to a Georgia Renaissance Fund; to provide for state income tax credits for certain downtown housing investments; to provide for short titles; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner, the Department of Revenue, and the Department of Community Affairs; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to provide for the Georgia Downtown Renaissance Fund to direct and fund efforts for redevelopment, preservation, small business development, and community planning in certain downtown districts in this state; to provide for a short title; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the Department of Community Affairs; 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.

Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, is amended by adding a new article to read as follows:

"ARTICLE 11

50-8-260.

As used in this article, the term:

(1) 'Department' means the Department of Community Affairs.

(2) 'Fund' means the Georgia Downtown Renaissance Fund, a revolving loan fund originating low-interest loans for qualified investments in a downtown district.

50-8-261.
(a) This article shall be known and may be cited as the 'Georgia Downtown Renaissance Fund Act.'
(b) The Georgia Downtown Renaissance Fund is established within the department for the purpose of assisting local governments, downtown development authorities, urban redevelopment authorities, special districts, and nonprofit organizations with financing and technical assistance to encourage economic and small business development, historic preservation, private investment, public improvements, leadership development, training, design assistance, and financing in the effort of improving downtown districts.
(c) The commissioner of community affairs shall serve as the director of the fund.
(d)(1) Using such funds as may be appropriated, the office may provide assistance to eligible local governments, urban redevelopment authorities, development authorities, or downtown development authorities in the form of technical assistance, loans, loan guarantees, or any combination thereof.
(2) Appropriated funds by line item in any appropriations Act for the Georgia Downtown Renaissance Fund shall be used for project financing and be disbursed through rules and procedures promulgated by the Office of Downtown Development.
(3) The initial investment into the Georgia Downtown Renaissance Fund shall be capped on an annual basis of $5 million per year for up to four years, not to exceed $20 million.
(e) The department may apply for, receive, administer, and use any grant, other financial assistance, or other funds made available to the department from any government or other source for furthering the purposes of the fund.
(f) Each municipal corporation in this state may make application to the department for assistance in downtown district development. A major criteria to be used in determining the amount of any financial assistance granted by the department from the fund may be the local commitment to the redevelopment of the downtown district.
(g) The department shall be authorized to charge reasonable application or service fees to offset administrative costs incurred in the administration of the fund.
(h) The department shall be authorized to promulgate any rules and regulations necessary to implement and administer this Code section."

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.

Pursuant to Rule 133, Representative Quick of the 117th was excused from voting on HB 128.

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

On the passage of the Bill, by substitute, the ayes were 160, nays 15.

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

HB 823. By Representatives Powell of the 171st, Houston of the 170th, Harden of the 148th, Epps of the 144th, McCall of the 33rd and others:

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 state sales and use tax, so as to provide for a new temporary exemption regarding the sale of tangible personal property to, or used in the construction of, an alternative fuel facility; to revise a definition; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 149, nays 24.

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

HB 913. By Representatives Kelley of the 16th, England of the 116th, Powell of the 171st, Gravley of the 67th, Caldwell of the 20th and others:

A BILL to be entitled an Act to amend Code Section 31-2-3 of the Official Code of Georgia Annotated, relating to the Board of Community Health and its powers, functions, and duties, terms of office, vacancies, and removal of members, the chairperson of the board, and expenses, so as to prohibit persons having certain conflicts of interest from serving on the board; 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 31-2-3 of the Official Code of Georgia Annotated, relating to the Board of Community Health and its powers, functions, and duties, terms of office, vacancies, and removal of members, the chairperson of the board, and expenses, so as to prohibit persons having certain conflicts of interest from serving on the board; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 31-2-3 of the Official Code of Georgia Annotated, relating to the Board of Community Health and its powers, functions, and duties, terms of office, vacancies, and removal of members, the chairperson of the board, and expenses, is amended by adding a new subsection to read as follows:

"(g)(1) It shall be unlawful for any member of the board to have any ownership interest in any entity or program that is licensed or regulated by the department or any entity that provides medical staffing services to an entity that is licensed or regulated by the department; provided, however, that this prohibition shall not apply to any person licensed under Chapter 11 or 34 of Title 43. Any violation of this subsection shall be subject to the same penalties and procedures specified in paragraph (1) of subsection (a) of Code Section 45-10-28 for violation of Code Section 45-10-22.

(2) Paragraph (1) of this subsection shall be in addition to those conflicts of interest made unlawful by paragraph (2) of subsection (a) of Code Section 45-10-22."

SECTION 2.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 120, nays 52.

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

House of Representatives
18 Capitol Square, SW
Coverdell Legislative Office Building, Suite 608
Atlanta, Georgia 30334

March 3, 2014

Mr. Bill Reilly
Clerk of the Georgia House of Representatives
309 State Capitol Building
Atlanta, GA 30334

Regarding HB 913

Mr. Bill Reilly,

Please enter into the minutes of the Georgia House of Representatives that today, March 3, 2014, due to working on a constituent issue, I was not on the floor of the House when we voted on HB 913.

Please note that I would be voting Yes.

Thank you,

/s/ Mike Cheokas
Representative Mike Cheokas
District 138

The Speaker assumed the Chair.

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

Mr. Speaker:

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

SB 333. By Senators Tolleson of the 20th, Ginn of the 47th, Davis of the 22nd and Golden of the 8th:

A BILL to be entitled an Act to amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to permit applications and appeals procedures relative to laws enforced by the Environmental Protection Division of the Department of Natural Resources, so as to establish that persons are not aggrieved by listings on the hazardous site inventory that occur after a certain date; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 98. By Senators Hill of the 32nd, Gooch of the 51st, Miller of the 49th, Heath of the 31st, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to provide a short title; to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide a definition; to opt out of funding certain abortions through certain qualified health plans; to provide for certain exceptions; to provide for a right of intervention in certain lawsuits; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 293. By Senators Millar of the 40th, Chance of the 16th, Albers of the 56th, Ligon, Jr. of the 3rd, Balfour of the 9th 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 the ad valorem taxation of property, so as to revise a definition; to provide for certain information to be given to taxpayers upon request; to provide for limitations on such information and the manner of its use; to provide for limitations on the use of certain evidence in hearings before the board of equalization, hearing officers, and the superior court; to provide for enforcement and penalties; to provide for interviews with the board of tax assessors; to provide for the recording of such interviews and for the recording of hearings before the board of equalization or a hearing officer; 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 Senate:

SB 353. By Senators Beach of the 21st and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development authorities, so as to change a definition; to provide for revision of public purpose; to provide for changes to general powers; to provide for changes to certain revenue bond provisions; 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 Senate:

SB 381. By Senators Beach of the 21st, Staton of the 18th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 38-3-57 of the Official Code of Georgia Annotated, relating to the establishment of a standardized, verifiable, performance based unified incident command system for emergencies, so as to provide planning for first informer broadcasters in the unified incident command system and the Georgia Emergency Operations Plan; to provide a short title; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 885. By Representatives Peake of the 141st, Watson of the 166th, Channell of the 120th, Kaiser of the 59th, Gravley of the 67th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 34 of Title 43 of the O.C.G.A., relating to the use of cannabis for treatment of cancer and glaucoma, so as to provide for continuing research into the benefits of medical cannabis to treat certain conditions; to provide for the continuation of the Controlled Substances Therapeutic Research Program; to provide for selection of academic medical centers to conduct the research; to provide for expansion of the review board and its duties; to establish the responsibilities of academic medical centers; to provide for the testing, storing, and dispensing by the Georgia Drugs and Narcotics Agency; to provide for immunity; 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 5 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the use of cannabis for treatment of cancer and glaucoma, so as to provide for continuing research into the benefits of medical cannabis to treat certain conditions; to provide for a short title; to provide for legislative findings and intent; to provide for the continuation of the Controlled Substances Therapeutic Research Program; to provide for

definitions; to provide for selection of academic medical centers to conduct the research; to provide for expansion of the review board and its duties; to establish the responsibilities of academic medical centers; to provide for the selection of approved pediatric neurologists; to provide for cultivation and processing by a selected academic medical center; to provide for storage and distribution of research medical cannabis by the Georgia Drugs and Narcotics Agency; to provide for immunity; to provide for employer and employee rights and obligations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

WHEREAS, the General Assembly finds and declares that clinical research has shown certain benefits arising from the utilization of medical research cannabis and, most recently, significant benefits of a particular strain delivered orally for the treatment of seizure disorders among children.

WHEREAS, nothing in this legislation should be construed as encouraging or sanctioning the recreational use of cannabis, nor is this legislation to be construed as any intent of the General Assembly to be moving in the direction of the legalization of recreational cannabis.

SECTION 2.

Article 5 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the use of cannabis for treatment of cancer and glaucoma, is amended by revising the article as follows:

"ARTICLE 5

43-34-120.

This article shall be known and may be cited as the ~~'Controlled Substances Therapeutic Research~~ 'Haleigh's Hope Act.'

43-34-121.

(a) The General Assembly finds and declares that ~~the potential medicinal value of marijuana has received insufficient study due to a lack of financial incentives for the undertaking of appropriate research by private drug manufacturing concerns. Individual physicians cannot feasibly utilize marijuana in clinical trials because of federal governmental controls which involve expensive, time consuming approval and monitoring procedures~~ this legislation's purpose is the compassionate potentially life-saving use of medical cannabis and is not intended to sanction, encourage, or otherwise be construed as a movement toward the legalization of recreational cannabis. Clinical research performed over the past decades continues to show benefits arising from

medical cannabis. Presently there are in excess of one million United States medical cannabis patients and an increasing number of physicians are recommending the therapeutic use of cannabis to their patients in accordance with their respective state law. New extracts and compounds have been developed demonstrating that cannabidiol, one of the most prevalent nonpsychoactive cannabinoids, has significant health and wellness benefits as shown by recent publication of the positive treatment of certain seizure disorders afflicting children.

(b) The General Assembly further finds and declares that ~~limited~~ continuing studies throughout the nation indicate that ~~marijuana~~ cannabis and certain of its derivatives possess valuable and, in some cases, unique therapeutic properties, including the ability to relieve nausea and vomiting which routinely accompany chemotherapy and irradiation used to treat cancer patients. ~~Marijuana~~ Cannabis also may be effective in reducing intraocular pressure in glaucoma patients ~~who do not respond well~~ in adjunct to conventional medications. Cannabis derivatives have recently shown to be effective in the treatment of seizure disorders.

(c) The General Assembly further finds and declares that, in enabling ~~individual physicians and their~~ patients to participate in a state-sponsored program for the investigational use of ~~marijuana~~ cannabis and its derivatives, ~~qualified physicians and surgeons throughout the state~~ academic medical centers will be able to study the benefits of the drug in a controlled clinical setting, and additional knowledge will be gained with respect to dosage and effects.

(d) It is the intent of the General Assembly in enacting this article to permit research into the therapeutic and treatment applications of ~~marijuana~~ cannabis and its derivatives in cancer, ~~and~~ glaucoma, and seizure disorder patients. This would allow qualified ~~physicians~~ academic medical centers approved by the Patient Qualification Review Board created by Code Section 43-34-124 to ~~provide~~ authorize use of the drug on a compassionate basis to seriously ill persons suffering from the severe side effects of chemotherapy or radiation treatment, ~~and~~ to persons suffering from glaucoma who are not responding to conventional treatment, and to persons suffering from seizure disorders, which persons would otherwise have no lawful access to it. It is the further intent of the General Assembly to facilitate clinical trials of ~~marijuana~~ cannabis and its derivatives, particularly with respect to persons suffering from cancer, ~~and~~ glaucoma, and seizure disorders who would be benefited by use of the drug.

(e) This article is limited to clinical trials and research into therapeutic applications of ~~marijuana~~ cannabis only for use in treating glaucoma, ~~and~~ in treating the side effects of chemotherapeutic agents and radiation, and utilizing medical cannabis for the treatment of seizure disorders and should not be construed as either encouraging or sanctioning the social use of cannabis ~~marijuana. Nothing in this article shall be construed to encourage the use of marijuana in lieu of or in conjunction with other accepted medical treatment, but only as an adjunct to such accepted medical treatment~~.

43-34-122.

As used in this article, the term:

(1) 'Academic medical center' means a research hospital that operates a medical residency program for physicians and conducts research that involves human subjects, including medical schools within the state that conduct translational research or clinical research programs.
~~(1)~~(2) 'Board' means the Georgia Composite Medical Board.
~~(2)~~(3) 'Cannabis' ~~'Marijuana'~~ means marijuana or tetrahydrocannabinol, as defined or listed in Article 2 of Chapter 13 of Title 16.
(4) 'Medical cannabis for the treatment of seizure disorders' means cannabis extracts and compounds of cannabis, including, but not limited to, those strains used to manufacture cannabidiol, a nonpsychoactive cannabinoid, that is delivered to the patient in a nonsmoking delivery system whether it be in the form of liquid, pill, or injection or other delivery method that does not include smoking.
(5) 'Medical research cannabis' means cannabis, medical cannabis for the treatment of seizure disorders, including, but not limited to, cannabis extracts and compounds approved under this article.
(6) 'Pediatric neurologist' means a pediatric neurologist specializing in seizure disorders in children approved under this article to utilize medical cannabis treatment in conjunction with an approved academic medical center.
~~(3)~~(7) 'Physician' means a person licensed to practice medicine pursuant to Article 2 of this chapter.
~~(4)~~(8) 'Program' means the Controlled Substances Therapeutic Research Program established pursuant to Code Section 43-34-123.
~~(5)~~(9) 'Review board' means the Patient Qualification Review Board established pursuant to Code Section 43-34-124.

43-34-123.
(a) There is established under the Georgia Composite Medical Board the Controlled Substances Therapeutic Research Program, which shall be administered by the board. Under the program, the board shall act as a sponsor of state-wide investigational studies, utilizing ~~as drug investigators individual physicians who elect~~ academic medical centers and approved pediatric neurologists selected by the board to participate in accordance with the guidelines and protocols developed by the board. Such guidelines and protocols shall be designed to ensure that stringent security and record-keeping requirements for ~~research drugs~~ medical research cannabis are met and that participants in the program meet those research standards necessary to establish empirical bases for the evaluation of ~~marijuana~~ cannabis as a medically recognized therapeutic substance. The board shall promulgate such rules and regulations as it deems necessary or advisable to administer the program. In promulgating such guidelines, protocols, rules, and regulations, the board shall take into consideration those pertinent rules and regulations promulgated by the ~~Federal~~ United States Drug Enforcement ~~Agency~~ Administration, the Food and Drug Administration, and the National Institute on Drug Abuse.

(b) The program shall be limited to patients who are certified to the board by a ~~physician~~ selected academic medical center and pediatric neurologists as being:

(1) Cancer patients involved in a life-threatening situation in which treatment by chemotherapy or radiology has produced severe side effects; ~~or~~

(2) Glaucoma patients who are not responding to conventional controlled substances; or

(3) Seizure disorder patients.

(c) No patient may be admitted to the program without full disclosure by the ~~physician~~ academic medical center of the experimental nature of the program and of the possible risks and side effects of the proposed treatment.

(d) The cost of any blood test required by the ~~federal~~ Food and Drug Administration prior to entrance into the program shall be paid by the patient or through the program, donated research or study funds, or other funding seeking entrance into the program.

(e) Only the following persons shall have access to the names and other identifying characteristics of patients in the program for whom ~~marijuana~~ medical research cannabis has been prescribed under this article:

(1) The board;

(2) The review board created by Code Section 43-34-124;

(3) The Attorney General or his or her designee;

(4) Any person directly connected with the program who has a legitimate need for the information; ~~and~~

(5) Any federal agency having responsibility for the program;

(6) Any academic medical center operating a program under this article;

(7) Any approved pediatric neurologist working in conjunction with an academic medical center operating a program under this article; and

(8) Any patient program participant's attending physician.

43-34-124.

(a) The board shall appoint the Patient Qualification Review Board. Each member of the review board shall be approved for such membership by a majority vote of the board and shall serve at the pleasure of the board. The review board shall be composed of:

(1) A board certified physician in ophthalmology;

(2) A board certified physician in surgery;

(3) A board certified physician in internal medicine and medical oncology;

(4) A board certified physician in psychiatry;

(5) A board certified physician in radiology; ~~and~~

(6) A pharmacist licensed under Chapter 4 of Title 26, relating to pharmacists, pharmacy, and drugs;

(7) A board certified physician in pediatric neurology;

(8) A board certified physician in pain management; and

(9) A board certified pediatric epitologist.

(b) The review board shall elect from its members a chairperson and a vice chairperson. The review board shall hold regular meetings at least once every 60 days and shall meet at such additional times as shall be called by the chairperson of the review board or the chairperson of the board. Each member of the review board shall receive for services for each day's attendance upon meetings of such board the same amount authorized by law for members of the General Assembly for attendance upon meetings of the General Assembly.

(c) The board shall adopt such rules and regulations as it deems necessary for the performance of the duties of the review board.

(d) The review board: ~~shall review all patient applicants for the program and their physicians and shall certify those qualified for participation in the program. The review board shall additionally certify pharmacies which are licensed by the state and which are otherwise qualified and certify physicians regarding the distribution of marijuana pursuant to Code Section 43-34-125. Meetings of the review board to certify patients, physicians, or pharmacies shall not be open to the public, as otherwise required by Chapter 14 of Title 50~~

(1) Shall review, evaluate, and rate applications for medical cannabis use programs submitted by academic medical centers and approved pediatric neurologists based on the procedures and guidelines established by the board;

(2) Shall develop request applications for programs;

(3) Shall approve or deny applications for programs, approve or deny applications for renewal of such programs, and monitor and oversee programs approved for operation under this article;

(4) Shall approve or deny applications for pediatric neurologists to utilize medical cannabis in the treatment of patients in conjunction with an approved academic medical center.

(5) May rescind approval of a program if the board finds that the program is not in compliance with the conditions of approval established by the board;

(6) Shall set application fees and renewal fees that cover its expenses in reviewing and approving applications and providing oversight to programs; and

(7) May accept any gifts, donations, contributions, grants, bequests of funds or property, or other funds.

43-34-125.

(a) ~~The board~~ An academic medical center operating a program approved under this article ~~shall~~ may apply to contract with the National Institute on Drug Abuse for receipt of ~~marijuana~~ cannabis pursuant to this article and pursuant to regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration, and the ~~Federal~~ United States Drug Enforcement ~~Agency~~ Administration or obtain such cannabis, cannabinoid, or any other derivative, compound, or substantially similar products from any available legal source.

(b) ~~The board shall cause marijuana approved for use in the program to be transferred to a certified pharmacy, licensed by the state, for distribution to the certified patient by~~

~~a licensed pharmacist upon a written order for research medication of the certified physician, pursuant to this article. Any reasonable costs incurred by the board in obtaining or testing marijuana shall be charged to participating physicians who may seek reimbursement from their research subjects utilizing the marijuana.~~ An academic medical center approved under this article may obtain research cannabis, cannabinoid, or any other derivative, compound, or substantially similar products from an academic medical center designated under Code Section 43-34-127.

(c) Upon receipt of the research cannabis, its extracts, compounds, or derivatives, or any other substantially similar product, regardless of its source including the product produced pursuant to Code Section 43-34-127, the academic medical center shall test the specifications of such product. Upon completion of its testing of such product, the academic medical center shall notify the Georgia Drugs and Narcotics Agency.

(d) Upon notification by the academic medical center, the Georgia Drugs and Narcotics Agency shall take possession of the research product acquired under subsection (a) of this Code section and retain such product until such time as the product shall be distributed by the agency to the academic medical center.

(e) The Georgia Drugs and Narcotics Agency shall establish rules and regulations for the storage and distribution of the research cannabis.

(f) An approved pediatric neurologist shall be authorized to receive research cannabis through his or her approved affiliated academic medical center.

43-34-126.

~~Patient participants in the program are immune from state prosecution for possession of marijuana as authorized by this article and under the program established in this article. A person authorized under this program shall not possess an amount of marijuana in excess of the amount prescribed under the authority of this article. The amount prescribed shall be maintained in the container in which it was placed at the time the prescription was filled. Physician, pharmacy, and pharmacist participants in the program are immune from state prosecution for possession, distribution, and any other use of marijuana, which use is authorized such persons by this article. Any such possession, distribution, or other use not authorized by this article shall be enforced and punished as provided in Chapter 13 of Title 16, relating to controlled substances and dangerous drugs, and Chapter 4 of Title 26, relating to pharmacists and pharmacies.~~

(a) The academic medical center operating a program approved under this article shall report annually or more frequently as the board deems necessary to the board in a manner specified by the board that includes the following:

(1) The number of patients served through the program and their county of residence;

(2) The conditions treated under the program; and

(3) Any outcome data on the results of the treatment through the program.

(b) An academic medical center operating a program approved under this article shall apply annually to the board for renewal of approval of the program, in accordance with procedures established by the board.

(c) An academic medical center operating a program under this article shall be subject to inspection by the board to ensure that the program is operating according to the conditions of approval established by the board.

43-34-127.
(a) The board shall approve at least one academic medical center to cultivate and process medical research cannabis to provide medical research cannabis to programs approved for operation under this article.
(b) The academic medical center approved to cultivate and process medical research cannabis under this Code section shall cultivate, process, and transfer such cannabis pursuant to Code Section 43-34-125.
(c) The board shall establish requirements for security and the manufacturing process that such academic medical center shall meet in order to be approved for the cultivation and processing of such cannabis under this article, including a requirement for the tracking of such cannabis.
(d) The board may revoke this agreement if the academic medical center is found by the board to have violated any of the requirements established under this Code section.

43-34-128.
Reserved.

43-34-129.
Any of the following persons acting in accordance with the provisions of this article shall not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use, prescription, administration, manufacture, or distribution of medical research cannabis:
(1) A patient enrolled in a program approved under this article who is in possession of an amount of medical research cannabis authorized under the program or such patient's caregiver, parent, or guardian; or
(2) An academic medical center, an employee of an academic medical center, or any other person associated with the operation of a program approved under this article for activities conducted in accordance with the program approved under this article.

43-34-130.
A state employee is eligible for reimbursement for incurred counsel fees under Code Section 45-12-26 in the event of a federal criminal investigation or prosecution solely related to the employee's good faith discharge of public responsibilities under this article.

43-34-131.
(a) The consumption of medical cannabis in accordance with this article shall be an acceptable explanation to a positive test under subsection (d) of Code Section 34-9-415

of the Drug Free Workplace Act or any other lawful drug test administered by an employer.
(b) Nothing in this article shall affect an employer's rights under Code Section 34-9-17.
(c) A patient's participation in treatment under this article and the consumption of medical cannabis shall not relieve the patient of the obligation to notify his or her employer if such participation impairs his or her ability to safely perform the duties of his or her job.
(d) Nothing in this article shall require an employer to accommodate an employee's use of medical cannabis as an approved treatment."

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	E Coomer	Y Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Smith, E
N Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	E Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	Y Fullerton	Y Kirby	N Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
N Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A

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

On the passage of the Bill, by substitute, the ayes were 171, nays 4.

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

HB 883. By Representatives Strickland of the 111th, Ehrhart of the 36th, Williamson of the 115th, Douglas of the 78th, Fludd of the 64th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 7 of the Official Code of Georgia Annotated, relating to Georgia merchant acquirer limited purpose banks, so as to correct cross-references; 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 Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	E Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Dukes	Y Holt	Y Pak	Y Strickland
Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch

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

On the passage of the Bill, the ayes were 170, nays 0.

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

Mr. Clerk
Mr. Bill Reilly

I wish to vote yes on HB 883

/s/ Coach Williams
District 87

HB 819. By Representatives Martin of the 49th, Willard of the 51st, Riley of the 50th and Gardner of the 57th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to modify certain provisions relating to tax executions; to require due diligence in notifying taxpayers that taxes have not been paid and that an execution shall be issued; to provide a definition; to change the timing of the sale of tax executions; to repeal the fee collected for issuing tax executions; 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 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to modify certain provisions relating to tax executions; to require due diligence in notifying taxpayers that taxes have not been paid and that a transfer of the execution is forthcoming; to change the timing of the sale of tax executions; to change certain procedures relating to redemption of property; to change the amount payable for

redemption; to repeal the fee collected for issuing tax executions; 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 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising Code Section 48-3-3, relating to executions by tax collectors and commissioners, as follows:

"48-3-3.

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

(1) 'New owner' means the most recent subsequent owner who has purchased such property during the year after January 1, but on or ~~after~~ before the due date of that tax bill year, and whose deed has been duly recorded in the records of the clerk of the superior court for that county.

(2) 'Owner of record' means the owner whose name appears in the deed record as the owner as of January 1 of that tax bill year.

(b) The tax collector or tax commissioner shall issue executions for nonpayment of taxes collectable by the tax collector or tax commissioner at any time after 30 days have elapsed since giving notice as provided in subsection (c) of this Code section. The executions shall be directed to all and singular sheriffs and constables of ~~the~~ this state.

(c) As soon as the last day for the payment of taxes has arrived, the tax collector or tax commissioner shall notify in writing the taxpayer of the fact that the taxes have not been paid and that, unless paid, an execution shall be issued; provided, however, that notice shall not be required for taxes due on personal property and executions may be issued on the day next following the day when taxes are due.

(d) No execution shall be issued against any person who is not the ~~record~~ owner of record of the property on the day that the taxes become delinquent if, within 90 days from the due date, ~~that~~ such person has provided satisfactory proof to the tax collector or tax commissioner that the property has been transferred by recorded deed and the liability for the payment of ad valorem taxes has been assigned to the vested transferee by written agreement or contract. In such cases, the execution shall be issued against the person who is the new ~~record~~ owner of the property on the date that the taxes became delinquent only after such new owner has been sent a notice of the delinquent tax bill, and such notice shall state that the tax collector or tax commissioner intends to issue a tax execution in the new owner's name against such delinquent property if the bill and all applicable interest and other charges are not paid within 30 days of the date of the notice. Such notice shall be mailed ~~first class~~ by first-class mail to the address of record as shown on the real estate transfer tax declaration form in the records of the clerk of the superior court and to the address shown on the closing documents if presented or to the property location if the address differs from that shown on the real estate transfer tax declaration form. If an execution has already been issued against the

owner of record, such execution shall be affirmatively cleared and vacated of record by the tax collector or tax commissioner upon receiving satisfactory proof as provided in this subsection.

(e)(1) Whenever technologically feasible, the tax collector or tax commissioner, at the time tax bills or any subsequent delinquent notices are mailed, shall also mail such bills or notices to any new owner that at that time appear in the records of the county board of assessors. The bills or notices shall be mailed to the address of record as found in the county board of assessors' records.

(2) A new ~~purchaser of property~~ owner shall not be required to pay the interest specified in Code Section 48-2-40, or the penalty specified in Code Section 48-2-44, until 60 days after the tax collector or tax commissioner has forwarded a tax bill to the new ~~purchaser~~ owner in accordance with paragraph (1) of this subsection. This paragraph shall apply only to the tax bill applicable to the year in which the property was purchased.

(f) The real estate transfer tax declaration form shall provide for and indicate the correct tax map parcel identification number before being accepted by the clerk of the superior court for recordation."

SECTION 2.

Said title is further amended by revising paragraph (2) of subsection (a) and adding a new subsection in Code Section 48-3-19, relating to the transfer of tax executions, as follows:

"(2) 'Due diligence' means the performance of a diligent search to ascertain the actual location of the ~~record~~ owner of record of the property. The following ~~actions~~ action shall satisfy the diligent search requirements of this Code section: sending notice by first-class mail, certified mail, or statutory overnight delivery, as required by law. If the notice is returned undelivered, the following actions shall satisfy the diligent search requirements of this Code section: ~~due diligence shall include~~ checking telephone directories for the county wherein the property is located; checking Internet search engines and people finder data bases, which may include the use of online address verification products and services; checking the records of the tax commissioner of the county wherein the property is located; or checking the real estate records of the clerk of the superior court of the county wherein the property is located."

"(a.1) Prior to the transfer of any execution under the provisions of this Code section, the officer whose duty it is to enforce the execution shall perform a due diligence search in an effort to obtain the delinquent taxpayer's correct address or any new owner's correct address in order to provide the taxpayer with notice of the officer's intent to transfer the execution to a third party if full payment is not received in a timely manner. The due diligence search and notification required by this Code section shall be performed no sooner that 35 days prior to the officer being entitled to transfer the execution under paragraph (1) of subsection (b) of this Code section, and the officer shall not transfer the execution if the taxpayer remits the full value of the execution, including the principal amount and any penalty and interest, prior to the time the officer

is entitled to transfer the execution under paragraph (1) of subsection (b) of this Code section."

SECTION 3.

Said title is further amended by revising Code Section 48-4-42, relating to amount payable for redemption, as follows:

"48-4-42.

The amount required to be paid for redemption of property from any sale for taxes as provided in this chapter, or the redemption price, shall with respect to any sale made after July 1, ~~2002~~ 2014, be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus any taxes paid on the property by the purchaser after the sale for taxes, plus any special assessments on the property, plus a premium of 20 percent of the ~~amount for the first year~~ total amount of the taxes, interest, penalties, and other fees satisfied by the levy for each year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made. ~~and 10 percent for each year or fraction of a year thereafter. If redemption is not made until more than 30 days after the notice provided for in Code Section 48-4-45 has been given, there~~ Any amounts paid in excess of the total amount of the taxes, interest, penalties, and other fees satisfied by the levy, including the advancement of additional taxes on the property, shall bear interest at the legal rate of interest as defined in Code Section 7-4-2. There shall be added to the redemption price the sheriff's cost in connection with serving the notice and the cost of publication of the notice, if any. All of the amounts required to be paid by this Code section shall be paid in lawful money of the United States to the purchaser at the tax sale or to the purchaser's successors."

SECTION 4.

Said title is further amended by designating the existing provisions of Code Section 48-4-43, relating to the effect of redemption, as subsection (a) and by adding a new subsection to read as follows:

"(b) Any creditor of the defendant in fi. fa. or any person having any interest in the property who redeems the property under this Code section shall not be entitled to take any judicial or nonjudicial action to foreclose the first lien created by this Code section until 12 months from the date of the sale."

SECTION 5.

Said title is further amended by repealing Code Section 48-5-163, relating to the fee for issuance of tax executions and the allowance of costs on execution, and designating it as "Reserved."

SECTION 6.

This Act shall become effective on July 1, 2014.

SECTION 7.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 173, nays 1.

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

HB 983. By Representatives McCall of the 33rd, Roberts of the 155th, England of the 116th and Burns of the 159th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to the state sales and use tax, so as to clarify eligible exemptions; to amend Code Section 2-1-5 of the Office Code of Georgia Annotated, relating to annual license fees for qualified agriculture producers, so as to correct a cross-reference; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to the state sales and use tax, so as to clarify eligible exemptions; to amend Code Section 2-1-5 of the Office Code of Georgia Annotated, relating to annual license fees for qualified agriculture producers, so as to correct a cross-reference; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to the state sales and use tax, is amended by revising Code Section 48-8-3.3, relating to certain agricultural exemptions, as follows:

"48-8-3.3.

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

(1)(A) 'Agricultural machinery and equipment' means machinery and equipment used in the production of agricultural products, including, but not limited to, machinery and equipment used in the production of poultry and eggs for sale, including, but not limited to, equipment used in the cleaning or maintenance of poultry houses ~~and the surrounding premises~~; in hatching and breeding of poultry and the breeding of livestock and equine; in production, processing, and storage of fluid milk for sale; in drying, ripening, cooking, further processing, or storage of agricultural products, including, but not limited to, orchard crops; in production of livestock and equine for sale; by a producer of poultry, eggs, fluid milk, equine, or livestock for sale; for the purpose of harvesting agricultural products to be used on the farm by that producer as feed for poultry, equine, or livestock; ~~directly~~ in tilling the soil or in animal husbandry ~~when the machinery is incorporated for the first time~~

~~or as additional machinery for the first time into a new or an existing farm unit engaged in tilling the soil or in animal husbandry in this state; directly in tilling the soil or in animal husbandry when the machinery is bought to replace machinery in an existing farm unit already engaged in tilling the soil or in animal husbandry in this state~~; machinery and equipment used exclusively for irrigation of agricultural products, including, but not limited to, fruit, vegetable, and nut crops regardless of whether the irrigation machinery or equipment becomes incorporated into real property; and machinery and equipment used to cool agricultural products in storage facilities.

(B) 'Agricultural machinery and equipment' ~~also means~~ shall mean farm tractors and attachments to the tractors; off-road vehicles used primarily in the production of nursery and horticultural crops; self-propelled fertilizer or chemical application equipment sold to persons engaged primarily in producing agricultural products for sale and which are used exclusively in tilling, planting, cultivating, and harvesting agricultural products, including~~, but not limited to,~~ growing, harvesting, or processing onions, peaches, blackberries, blueberries, or other orchard crops, nursery, and other horticultural crops; devices and containers used in the transport and shipment of agricultural products; aircraft exclusively used for spraying agricultural crops; pecan sprayers, pecan shakers, and other equipment used in harvesting pecans sold to persons engaged in the growing, harvesting, and production of pecans; and off-road equipment and related attachments which are sold to or used by persons engaged primarily in the growing or harvesting of timber and which are used exclusively in site preparation, planting, cultivating, or harvesting timber. Equipment used in harvesting shall include all off-road equipment and related attachments used in every forestry procedure starting with the severing of a tree from the ground until and including the point at which the tree or its parts in any form has been loaded in the field in or on a truck or other vehicle for transport to the place of use. Such off-road equipment shall include, but not be limited to, skidders, feller bunchers, debarkers, delimbers, chip harvesters, tub-grinders, woods cutters, chippers of all types, loaders of all types, dozers, mid-motor graders, and the related attachments; grain bins and attachments to grain bins regardless of whether such grain bins or attachments are incorporated into real property; any repair, replacement, or component parts installed on agricultural machinery and equipment; trailers used to transport agricultural products; all-terrain vehicles and multipassenger rough-terrain vehicles; and any other off-road vehicles used ~~directly and principally~~ in the production of agricultural or horticultural products.

(2)(A) 'Agricultural operations' ~~or 'agricultural products'~~ is used synonymously with the term 'agricultural purposes' and means the following activities:

(i) ~~raising~~ Raising, growing, harvesting, or storing of crops, including, but not limited to, soil preparation and crop production services such as plowing, fertilizing, seed bed preparation, planting, cultivating, and crop protecting

services; (ii) ~~feeding~~ Feeding, breeding, or managing livestock, equine, or poultry;

(iii) ~~producing~~ Producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys;

(iv) ~~producing~~ Producing plants, trees, ~~Christmas trees,~~ fowl, equine, or other animals; ~~or~~

(v) ~~the production of~~ Producing aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products~~.~~;

(vi) Processing poultry;

(vii) Post-harvest services on crops with the intent of preparing them for market or further processing, including but not limited to crop cleaning, drying, shelling, fumigating, curing, sorting, grading, packing, ginning, canning, pickling, and cooling;

(viii) Slaughtering poultry and other animals; and

(ix) Manufacturing dairy products.

(B) 'Agricultural operations' excludes constructing, installing, altering, repairing, dismantling, or demolishing real property structures or fixtures, including, but not limited to, grain bins, irrigation equipment, and fencing.

(2.1) 'Agricultural products' means items produced by agricultural operations. Agricultural products are considered grown in this state if such products are grown, produced, or processed in this state, whether or not such products are composed of constituent products grown or produced outside this state.

(3) 'Agricultural production inputs' means seed; seedlings; plants grown from seed, cuttings, or liners; fertilizers; insecticides; livestock and poultry feeds, drugs, and instruments used for the administration of such drugs; fencing products and materials used to produce agricultural products regardless of whether the fencing products or materials become incorporated into real property; fungicides; rodenticides; herbicides; defoliants; soil fumigants; plant growth regulating chemicals; desiccants, including, but not limited to, shavings and sawdust from wood, peanut hulls, fuller's earth, straw, and hay; feed for animals, including, but not limited to, livestock, fish, equine, hogs, or poultry; sugar used as food for honeybees kept for the commercial production of honey, beeswax, and honeybees; cattle, hogs, sheep, equine, poultry, or bees when sold for breeding purposes; ice or other refrigerants, including, but not limited to, nitrogen, carbon dioxide, ammonia, and propylene glycol used in the processing for market or the chilling of agricultural products in storage facilities, rooms, compartments, or delivery trucks; materials, containers, crates, boxes, labels, sacks, bags, or bottles used for packaging agricultural products when the product is either sold in the containers, sacks, bags, or bottles directly to the consumer or when such use is incidental to the sale of the product for resale; and containers, plastic, canvas, and other fabrics used in the care and raising of agricultural products or canvas used in covering feed bins, silos, greenhouses, and other similar storage structures.

(3.1) 'Animal' shall be synonymous with livestock and means living organisms that are commonly regarded as farm animals, organisms that produce tangible personal property for sale, or organisms that are processed, manufactured, or converted into articles of tangible personal property for sale. The term does not include living organisms that are commonly regarded as domestic pets or companion animals.

(4) 'Energy used in agriculture' means fuels used for agricultural purposes, other than fuels subject to prepaid state tax as defined in Code Section 48-8-2. The term includes, but is not limited to, off-road diesel, propane, butane, electricity, natural gas, wood, wood products, or wood by-products; liquefied petroleum gas or other fuel used in structures in which broilers, pullets, or other poultry are raised, in which swine are raised, in which dairy animals are raised or milked or where dairy products are stored on a farm, in which agricultural products are stored, and in which plants, seedlings, nursery stock, or floral products are raised primarily for the purposes of making sales of such plants, seedlings, nursery stock, or floral products for resale; electricity or other fuel for the operation of an irrigation system which is used on a farm exclusively for the irrigation of agricultural products; and electricity or other fuel used in the drying, cooking, or further processing of raw agricultural products, including, but not limited to, food processing of raw agricultural products.

(5) 'Qualified ~~agriculture~~ agricultural producer' includes producers of agricultural products who meet one of the following criteria:

(A) The person or entity is the owner or lessee of agricultural land or other real property from which $2,500.00 or more of agricultural products were produced and sold during the year, including payments from government sources;

(B) The person or entity is in the business of ~~providing for hire custom agricultural services, including, but not limited to, plowing, planting, harvesting, growing, animal husbandry or the maintenance of livestock, raising or substantially modifying agricultural products, or the maintenance of agricultural land from which $2,500.00 or more of such services were provided during the year~~ performing agricultural operations and has provided $2,500.00 of such services during the year;

~~(C) The person or entity is the owner of land that qualifies for taxation under the qualifications of bona fide conservation use property as defined in Code Section 48-5-7.4 or qualifies for taxation under the provisions of the Georgia Forest Land Protection Act as defined in Code Section 48-5-7.7;~~

~~(D)~~(C) The person or entity is in the business of producing long-term agricultural products from which there might not be annual income, including, but not limited to, timber, pulpwood, orchard crops, pecans, and horticultural or other multiyear agricultural or farm products. Applicants must demonstrate that sufficient volumes of such long-term agricultural products will be produced which have the capacity to generate at least $2,500.00 in sales annually in the future; or

~~(E)~~(D) The person or entity must establish, to the satisfaction of the Commissioner of Agriculture, that the person or entity is actively engaged in the production of agricultural products and has or will have created sufficient volumes to generate at least $2,500.00 in sales annually.

(b) The sales and use taxes levied or imposed by this article shall not apply to sales to, or use by, a qualified ~~agriculture~~ agricultural producer of agricultural production inputs, energy used in agriculture, and agricultural machinery and equipment.

(c) The Commissioner of Agriculture~~, at his or her discretion, may~~ ~~use one or both of the following criteria as a tool~~ shall require applicants to acknowledge and produce, upon request, at least one of the following forms to determine eligibility under this Code section:

(1) Business activity on IRS schedule F (Profit or Loss from Farming); ~~or~~

(2) Farm rental activity on IRS form 4835 (Farm Rental Income and Expenses) or schedule E (Supplemental Income and Loss);

(3) IRS Form 4797;

(4) IRS Form 1065; or

(5) IRS Form 1120 or 1120(s).

(d) Qualified agricultural producers that meet the criteria provided for in paragraph (5) of subsection (a) of this Code section must apply to the Commissioner of Agriculture to request an agricultural sales and use tax exemption certificate that contains an exemption number. Upon request, the qualified agricultural producer shall produce the form requested by the Commissioner of Agriculture under subsection (c) of this Code section to the commissioner. To facilitate the use of the exemption certificate, a wallet-sized card containing that same information shall also be issued by the Commissioner of Agriculture.

(e) The Commissioner of Agriculture is authorized to promulgate rules and regulations governing the issuance of agricultural exemption certificates and the administration of this Code section. The Commissioner of Agriculture is authorized to establish an oversight board and direct staff and is authorized to charge annual fees of not less than $15.00 nor more than $25.00 per year in accordance with Code Section 2-1-5, but in no event shall the total amount of the proceeds from such fees exceed the cost of administering this Code section.

(f) In conjunction with the Commissioner of Agriculture, the commissioner shall promulgate a list of items which are exempt under this Code section. Such list shall be posted on the Department of Agriculture's website no later than January 1, 2015.

(g) The commissioner is authorized to promulgate rules and regulations as necessary to facilitate compliance with and the administration of the provisions of this Code section. The department, in conjunction with the Department of Agriculture, is authorized to conduct audits, as necessary, to monitor compliance with the provisions of this Code section.

(h) A dealer that performs both manufacturing and agricultural operations at a single place of business may avail itself of the exemptions under either Code Section 48-8-3.2 or this Code section, but not both, for that place of business in any one calendar year.

(i) Notwithstanding subsection (c) of Code Section 48-8-63, contractors shall not incur any use tax on:

(1) Tangible personal property that a qualified agricultural producer purchases tax-exempt under this Code section and furnishes to such contractor for use in the

performance of an agricultural operation, so long as such property retains the character of tangible personal property and is returned to the qualified agricultural producer upon the completion of the contract; or

(2) Grain bins, irrigation equipment, and fencing or the repair, replacement, or component parts to grain bins, irrigation equipment, or fencing that a qualified agricultural producer purchases tax-exempt under this Code section for use in an agricultural operation and furnishes to such contractor for installation into real property."

SECTION 2.

Code Section 2-1-5 of the Office Code of Georgia Annotated, relating to annual license fees for qualified agriculture producers, is amended in subsection (b) by replacing "qualified agriculture producer" with "qualified agricultural producer".

SECTION 3.

This Act shall become effective on January 1, 2015, and shall be applicable to all taxable years beginning on or after January 1, 2015.

SECTION 4.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 173, nays 3.

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

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

Mr. Speaker:

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

SB 361. By Senators Carter of the 1st and Jeffares of the 17th:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to water resources, so as to create the Georgia Geospatial Advisory Council; to provide for its members and purposes; to provide for reports; to provide for automatic repeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 392. By Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Dugan of the 30th, Wilkinson of the 50th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for an additional definition; to provide for acceptance of applications for registration for certain motor vehicles not in compliance with federal emission standards; to provide for acceptance of applications for title for certain motor vehicles

not in compliance with federal emission standards; to exclude certain motor vehicles from the definition of "unconventional motor vehicle or motorcycle"; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SR 1027. By Senators Beach of the 21st, Hill of the 32nd, Shafer of the 48th, Ginn of the 47th and Albers of the 56th:

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

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

HB 990. By Representatives Jones of the 47th, Ralston of the 7th, O`Neal of the 146th, Nimmer of the 178th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to prohibit the expansion of Medicaid eligibility through an increase in the income threshold without prior legislative approval; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to prohibit the expansion of Medicaid eligibility through an increase in the income threshold without prior legislative approval; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

WHEREAS, the General Assembly is constitutionally mandated to balance the Georgia state budget through the annual appropriations process; and

WHEREAS, the Medicaid program comprises one of the largest expenditures of state funds in the annual budget; and

WHEREAS, any decision to increase the income threshold for eligibility for the Medicaid entitlement program in Georgia must be carefully considered within the context of the state's responsibility to fund other critical state services, including education, infrastructure, and public safety; and

WHEREAS, Governor Nathan Deal has demonstrated fiscal responsibility throughout his first term in office; and

WHEREAS, Governor Deal has recently declined to expand Medicaid eligibility through an increase in the income threshold in Georgia's Medicaid program despite efforts by the federal government to compel states to expand this entitlement program through provisions of the Affordable Care Act; and

WHEREAS, expanding Medicaid eligibility by increasing the income threshold for the Medicaid entitlement program would dramatically increase the number of Georgians receiving public assistance that otherwise do not qualify for Medicaid benefits by meeting low-income program requirements for aged, blind, and disabled individuals; for families or children age 18 and under; for aged, blind, and disabled individuals receiving nursing home care; for individuals receiving hospice care; for pregnant women; or for individuals with breast or cervical cancer; or by meeting other program requirements for children in foster care or adopted from foster care or for children with disabilities receiving services under a federal Deeming waiver; and

WHEREAS, in support of Governor Deal's stance against this effort to oblige states to expand the income threshold for Medicaid benefits and, in an effort to assure any similar efforts by the federal government are seriously evaluated in the future, the General Assembly determines it is essential that a potential expansion of eligibility for Medicaid be thoroughly debated and voted upon by the legislature.

SECTION 2.

Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, is amended by adding a new Code section to read as follows:

"49-4-142.2.

On and after the effective date of this Code section, neither the department, the board, nor any other representative of the state shall expand Medicaid eligibility under this article through an increase in the income threshold without prior legislative approval; provided, however, that this shall not apply to any increase resulting from a cost-of-living increase in the federal poverty level. The legislative approval required under this

Code section shall be by Act of the General Assembly or the adoption of a joint resolution of the General Assembly."

SECTION 3.

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

Pursuant to Rule 36, Representative Moore of the 22nd moved to temporarily suspend the rules to allow an amendment to be introduced.

On the motion, the roll call was as follows:

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

On the motion, the ayes were 2, nays 174.

The motion was lost.

The Committee substitute was adopted.

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

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

N Abrams	Y Coomer	Y Gregory	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Hamilton	N McClain	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	N Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	N Henson	N Mosby	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	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	Y 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 Efstration	N Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
N Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
N Bruce	N Epps, C	Y Jones, J	N Prince	Y Teasley
N Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
N Buckner	N Evans	N Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	N Jordan	Y Ramsey	N Waites
Y Caldwell, J	N Floyd	Kaiser	N Randall	Y Watson, B
Y Caldwell, M	N Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Y Welch
Y Carter	N Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	N Fullerton	Y Kirby	Y Rogers, C	Wilkerson
Y Chandler	N Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	N Williams, A
Y Cheokas	N Glanton	N Mabra	N Scott	Y Williams, C
Y Clark, J	Y Golick	N Marin	Y Setzler	N Williams, E
Y Clark, V	N Gordon	Y Martin	N Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	E Greene	Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 118, nays 57.

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

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

Mr. Speaker:

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

SR 920. By Senators Jackson of the 24th and Jeffares of the 17th:

A RESOLUTION honoring the life of Mr. Thomas Watson Cullars and dedicating a road in his memory; and for other purposes.

SR 937. By Senator Stone of the 23rd:

A RESOLUTION honoring the life of Mr. Albert Sidney "Sid" Newton and dedicating a road in his memory; and for other purposes.

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

HB 133. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Chapter 9 of Title 44 of the Official Code of Georgia Annotated, relating to property easements, so as to provide for rights of way across private land for the purpose of access to cemetery sites; to provide definitions; to establish notice procedures; to provide for immunity from liability for landowners; to provide a cause of action; to amend Code Section 36-72-4 of the Official Code of Georgia Annotated, relating to permits required for developing land on which a cemetery is located, so as to prevent certain activities on cemeteries and burial sites without a permit; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 44 of the Official Code of Georgia Annotated, relating to property easements, so as to provide for rights of way across private land for the purpose of access to cemetery sites; to provide definitions; to establish notice procedures; to provide for immunity from liability for landowners; to provide a cause of action; to

amend Code Section 36-72-4 of the Official Code of Georgia Annotated, relating to permits required for developing land on which a cemetery is located, so as to prevent certain activities on cemeteries and burial sites without a permit; 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 9 of Title 44 of the Official Code of Georgia Annotated, relating to property easements, is amended by adding a new article to read as follows:

"ARTICLE 2A

44-9-30.

As used in this article, the term:

(1) 'Cemetery' means a noncommercial place dedicated to and used for permanent interment or inurnment of human remains and may consist of a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for inurnments, or other similar structures.

(2) 'Descendant' means a person or group of persons related to a human by blood or adoption in accordance with Title 19.

(3) 'Family member' means a spouse, child, sibling, parent, grandparent, or grandchild.

(4) 'Private land' means the physical boundaries of a cemetery and a 25 foot buffer from the edge of the occupied graves.

44-9-31.

(a) Owners of private land on which a cemetery is located shall grant access to such cemetery not more than twice each calendar year to:

(1) Any family member or descendant of any deceased person whose remains lie within the cemetery;

(2) Any owner of the cemetery; or

(3) Any person responsible for maintenance of the cemetery.

(b) Access to such cemetery shall include ingress, egress, and regress, but only for the limited purposes of maintaining the cemetery for its intended use, honoring persons buried at the cemetery site, or conducting genealogical research.

(c) A landowner granting access pursuant to this article may supervise ingress and egress across the property and dictate a reasonable location and manner of travel across the property.

(d) A landowner granting access pursuant to this article shall provide for access to such property, including, but not limited to, the unlocking of any gates or fences.

44-9-32.
(a) Any person seeking access across private land pursuant to Code Section 44-9-31 shall provide to the landowner prior notice of intent to enter the private land.
(b) Prior notice of intent to enter the private land must be received by the landowner at least 14 days prior to the proposed date of entry; provided, however, that if the landowner is a utility provider, notice must be received at least 30 days prior to the proposed date of entry. The notice shall include the name, address, telephone number, and, if available, e-mail address of the person seeking access across private land pursuant to Code Section 44-9-31.
(c) Upon receiving proper notice, the landowner shall allow access on the proposed date or on any other date agreeable to both parties.
(d) No landowner shall be required to grant access under Code Section 44-9-31 if:
(1) Prior notice under this Code section is not given;
(2) Public access to the cemetery site is otherwise available;
(3) The person seeking access is able to reach the cemetery site by way of his or her own land; or
(4) The requested access is unreasonable with regard to hour, duration, or manner of travel across the land.

44-9-33.
A person granted access across private land pursuant to this article shall enjoy the same protection as a licensee. The landowner shall be liable to a licensee only for willful or wanton injury as provided in Code Section 51-3-2.

44-9-34.
(a) If a private landowner does not allow access to a cemetery in violation of this article, such violation shall constitute a private nuisance and may be abated.
(b) A landowner who continues to deny access after a court has ordered abatement pursuant to this Code section shall be subject to the contempt powers of the court."

SECTION 2.

Code Section 36-72-4 of the Official Code of Georgia Annotated, relating to permits required for developing land on which a cemetery is located, is amended as follows:

"36-72-4.
No owner or occupier of land shall knowingly disturb any known cemetery, burial ground, human remains, or burial object ~~shall be knowingly disturbed by the owner or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land~~ by developing, allowing livestock to graze upon, or similarly interfering with such cemetery, burial ground, human remains, or burial object unless a permit is first obtained from the governing authority of the municipal corporation or county wherein the cemetery or burial ground is located, which shall have authority to permit such activity except as provided in Code Section 36-72-14."

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:

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

On the passage of the Bill, by substitute, the ayes were 68, nays 107.

The Bill, having failed to receive the requisite constitutional majority, was lost.

The following member was recognized during the period of Morning Orders and addressed the House:

Representative Kirby of the 114th.

The Speaker announced the House in recess until 7:00 o'clock, this evening.

The Speaker called the House to order.

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

HR 1644. By Representatives Watson of the 166th and Shaw of the 176th:

A RESOLUTION commending the Georgia Physicians Leadership Academy and inviting members of its sixth class to be recognized by the House of Representatives; and for other purposes.

HR 1645. By Representatives Buckner of the 137th, Fullerton of the 153rd, Oliver of the 82nd, Dawkins-Haigler of the 91st, Kaiser of the 59th and others:

A RESOLUTION recognizing March 13, 2014, as Girl Scout Day at the state capitol and inviting representatives from the Girl Scouts of America organization to be recognized by the House of Representatives; and for other purposes.

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1644 Do Pass

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

HR 1644. By Representatives Watson of the 166th and Shaw of the 176th:

A RESOLUTION commending the Georgia Physicians Leadership Academy and inviting members of its sixth class to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1646. By Representative Marin of the 96th:

A RESOLUTION recognizing March 23, 2014, as Pakistani American Day at the state capitol; and for other purposes.

HR 1647. By Representatives Hugley of the 136th, Braddock of the 19th, Randall of the 142nd, Smith of the 70th, Jones of the 47th and others:

A RESOLUTION commending the Georgia Legislative Women's Caucus Servant Leadership Award recipients and recognizing March as Women's History Month 2014 at the state capitol; and for other purposes.

HR 1648. By Representatives Hugley of the 136th, Smyre of the 135th, Smith of the 134th, Buckner of the 137th and Pezold of the 133rd:

A RESOLUTION commending Ms. Barbara Kennon upon her induction into the Georgia Association of Realtors Hall of Fame; and for other purposes.

HR 1649. By Representatives Bruce of the 61st, Mabra of the 63rd and Brooks of the 55th:

A RESOLUTION recognizing and commending Leslie Golden; and for other purposes.

HR 1650. By Representatives Bruce of the 61st, Mabra of the 63rd and Brooks of the 55th:

A RESOLUTION commending Free Solomon Polazzo; and for other purposes.

HR 1651. By Representatives Dempsey of the 13th, Ramsey of the 72nd, Cooper of the 43rd, Howard of the 124th, Carter of the 175th and others:

A RESOLUTION recognizing June 20, 2014, as Diabetic Peripheral Neuropathy Alert Day at the state capitol; and for other purposes.

HR 1652. By Representatives Bruce of the 61st, Mabra of the 63rd and Brooks of the 55th:

A RESOLUTION recognizing and commending Kip Carr; and for other purposes.

HR 1653. By Representatives Marin of the 96th and Casas of the 107th:

A RESOLUTION condemning the actions of the Venezuelan government; and for other purposes.

HR 1654. By Representatives Thomas of the 56th, Jones of the 53rd and Brooks of the 55th:

A RESOLUTION recognizing and commending Helen Kilpatrick Threatt; and for other purposes.

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

Mr. Speaker:

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

SB 383. By Senators Davis of the 22nd, Stone of the 23rd, Bethel of the 54th and Miller of the 49th:

A BILL to be entitled an Act to amend Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to duties of coroner or county medical examiner upon receipt of notice of suspicious or unusual death, authority to embalm body, identification, inventory and disposition of deceased's property, use of deceased's property for evidence, and autopsy when death occurs on state owned property, so as to provide that items of value of a deceased person of which a coroner or medical examiner takes possession shall not be converted to the coroner or medical examiner's personal use; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SR 783. By Senators Heath of the 31st, Ligon, Jr. of the 3rd, Dugan of the 30th, Williams of the 19th, Cowsert of the 46th and others:

A RESOLUTION proposing an amendment to the Constitution so as to prohibit the levy of state ad valorem taxes; to provide for applicability; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

SR 896. By Senators Tolleson of the 20th, Jeffares of the 17th and Harper of the 7th:

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

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

HB 138. By Representatives Welch of the 110th, Ramsey of the 72nd, Atwood of the 179th, Jones of the 47th, Allison of the 8th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to temporary assistance for needy families, so as to provide for legislative findings; to prohibit the use of electronic benefit transfer cards in certain retail establishments; to prohibit the use of electronic benefit transfer cards by recipients for certain purposes; to provide for reports of suspected abuse; to provide for investigations; to provide for sanctions; to provide for rules and regulations; to provide for revisions to the state plan; to provide for a report; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to temporary assistance for needy families, so as to prohibit the use of cash assistance in certain retail establishments; to prohibit the use of cash assistance by recipients for the purchase of certain products or services; to require signs to be posted at certain establishments; to provide for reports of suspected abuse; to provide for investigations; to provide for sanctions; to provide for a report; to provide for revisions to the state plan; to provide for rules and regulations; 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 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to temporary assistance for needy families, is amended by revising Code Section 49-4-189, which is reserved, to read as follows:

"49-4-189.

(a)(1) It shall be unlawful for the following establishments to accept and for a recipient to use cash assistance for any transaction in such establishment:

(A) A liquor store, which shall be defined as an establishment of a retail dealer in distilled spirits licensed pursuant to Chapter 4 of Title 3;

(B) A retail establishment which as its primary activity provides adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment;

(C) A retail establishment whose primary purpose is to sell media or products relating to sexual activities;

(D) A retail establishment whose primary purpose is to sell tobacco products; or

(E) An establishment which as its primary activity provides tattoos or body piercings.

(2) On and after January 1, 2015, the establishments listed in paragraph (1) of this subsection shall annually register with the Department of Revenue by January 31 of each year and provide the establishment's merchant category code or analogous code as assigned by the Department of Revenue pursuant to paragraph (3) of this subsection and such other information as the board deems necessary to enforce this Code section. Such establishments shall also notify the Department of Revenue of any change to the establishment's merchant category code, within 30 days of such change. Any such establishment shall also ensure that its merchant category code is associated with its name and transaction information that is transmitted to credit card and debit card entities when a transaction is made.

(3) The Department of Revenue shall transmit to the department, on an ongoing basis, a list of establishments in this state which correspond to the merchant's category code for the type of establishments listed in paragraph (1) of this subsection. In the event that one or more of such type of establishments listed in paragraph (1) of this subsection does not correspond to a merchant's category code, the Department of Revenue shall assign it an analogous code in order to identify these establishments to the department.

(b) On and after January 1, 2015, a recipient shall not use cash assistance for the purchase of the following products or services:

(1) Lottery tickets;

(2) Alcoholic beverages;

(3) Tobacco products;

(4) Pornographic materials;

(5) Tattoos or body piercings;

(6) Gambling; or

(7) Gift cards.

(c)(1) On and after January 1, 2015, the establishments listed in paragraph (1) of subsection (a) of this Code section shall post in a prominent location at each entrance and at each automated teller machine located on the premises of such establishment a

sign which informs patrons that the use of cash assistance is prohibited in such establishment and that there are penalties for abuse of such prohibitions.

(2) On and after January 1, 2015, any retail establishment which sells any of the prohibited products or services set forth in subsection (b) of this Code section shall post in a prominent location at each automated teller machine located on the premises of such establishment a sign which informs patrons that the use of cash assistance is prohibited for the purchase of any such prohibited products or services and that there are penalties for abuse of such prohibitions.

(3) Prior to January 1, 2015, the language for the signs required by paragraphs (1) and (2) of this subsection shall be provided by the department to the public on its website, shall be 6 inches by 8 inches in size, and shall include the toll-free telephone number and website address established pursuant to subsection (d) of this Code section to report suspected incidents of abuse of such prohibitions.

(4) To the extent that a federally insured depository financial institution is subject to the notice requirements under this Code section, those requirements may be satisfied by displaying the notice information on the automated teller machine screen.

(5) This subsection shall stand repealed and reserved on January 1, 2018.

(d) The department shall operate a toll-free telephone number and a website to receive reports of suspected violations of this Code section. The department shall monitor the incidents reported pursuant to this Code section and shall refer such incidents to investigators within the department. Investigators within the Department of Revenue and the department shall be authorized to investigate establishments and recipients for violations of this Code section.

(e)(1) An individual employed by an establishment listed in paragraph (1) of subsection (a) of this Code section who knowingly violates subsection (a) of this Code section shall be subject to a fine of $250.00 per violation.

(2) An establishment listed in paragraph (1) of subsection (a) of this Code section which has two or more violations under paragraph (1) of this subsection within the same calendar year shall be required to install technology or software to block transactions with any state sponsored debit or electronic benefits transfer card which allow expenditure of cash assistance at the point of sale and at all automated teller machines on the premises, or otherwise not accept such cards for payment. An establishment which fails to comply with this requirement shall be subject to a $250.00 fine per violation.

(3) A recipient who uses cash assistance in violation of subsection (a) or (b) of this Code section shall be subject to sanctions pursuant to Code Section 49-4-185.

(4) Any fine, sanction, or penalty imposed for a violation of this Code section may be appealed by the retail establishment or recipient sanctioned in accordance with the administrative hearing process established pursuant to paragraph (8) of subsection (b) of Code Section 49-4-183.

(5) It is the intent of the General Assembly that any fines imposed for violations of this Code section are applied to offset the costs of enforcing the provisions of this Code section.

(f)(1) On and after the effective date of this Code section, neither the board nor the department shall enter into any contracts or agreements with entities for the provision of cash assistance cards to recipients under this article unless such contracts or agreements fully comply with the requirements of this Code section. Neither the board nor the department shall extend any contracts or agreements with entities for the provision of cash assistance cards to recipients under this article unless such contracts or agreements fully comply with the requirements of this Code section.

(2) No later than December 31, 2014, the department shall provide a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate identifying other methods and associated costs that could be implemented to ensure that the provisions of this Code section are enforced through technology that may be used to prevent transactions prohibited under this Code section at the point of sale and at all automated teller machines at those establishments listed in paragraph (1) of subsection (a) of this Code section.

(g) On and after January 1, 2015, the board shall ensure that cash assistance is provided to recipients in accordance with the following requirements:

(1) Print on any state sponsored debit or electronic benefits transfer card which allows the user of such card to utilize temporary cash assistance for needy families to purchase the products and services prohibited under subsection (b) of this Code section or a reference to such statutory citation and the toll-free telephone number and website established pursuant to subsection (d) of this Code section; and

(2) Shall be attached to an account of transaction which may be audited by the Department of Revenue or the department for violations of this Code section.

(h) The department shall take appropriate steps, if necessary, to revise the state plan in order to effectuate the requirements of this Code section.

(i) A violation of this Code section by a retail establishment or a federally insured depository financial institution shall not constitute a private cause of action.

(j) The Department of Revenue and the department are authorized to establish rules and regulations necessary to implement the provisions of this Code section. ~~Reserved.~~"

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

On the passage of the Bill, by substitute, the ayes were 152, nays 17.

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

HB 870. By Representatives Tanner of the 9th, Kidd of the 145th, Dickson of the 6th, Lumsden of the 12th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Article 9 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Brain and Spinal Injury Trust Fund, so as to provide for the imposition of an additional fine for reckless driving; to provide for the disposition of such fine; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 156, nays 11.

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

HB 348. By Representatives Parsons of the 44th, Sims of the 169th, Abrams of the 89th and Martin of the 49th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate,

computation, and exemptions regarding income tax, so as to provide a tax credit for purchasers of alternative fuel vehicles; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for a cap on the amount of the tax credits; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions regarding income tax, so as to provide a tax credit for purchasers of alternative fuel heavy-duty and medium-duty vehicles; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for a cap on the amount of the tax credits; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions regarding income tax, is amended by adding new Code sections to read as follows:

"48-7-29.18.

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

(1) 'Affiliated entity' means a person or business entity that is a member of the taxpayer's affiliated group within the meaning of Section 1504(a) of the Internal Revenue Code.

(2) 'Alternative fuel' means electricity, liquid petroleum gas, natural gas, or hydrogen fuel. The term does not include hybrid electric drives unless the vehicle has a gross weight equal to or greater than 8,500 pounds and less than 26,000 pounds.

(3) 'Alternative fuel heavy-duty vehicle' means a new commercial vehicle, with a gross vehicle weight ratio equal to or more than 26,001 pounds, that is primarily fueled by an alternative fuel. As used in this paragraph, 'primarily fueled by an alternative fuel' means a vehicle that is produced by an original equipment manufacturer and operates on 90 percent or more alternative fuel and on 10 percent or less gasoline or diesel fuel. In order to qualify for a tax credit under this Code section, the vehicle shall be registered in Georgia and be certified by the Department of Natural Resources as meeting all requirements set forth in paragraph (1) of subsection (a) of Code Section 48-7-29.19.

(4) 'Alternative fuel medium-duty vehicle' means a new commercial vehicle, with a gross vehicle weight ratio equal to 8,500 pounds or more and less than 26,001 pounds,

that is solely fueled by an alternative fuel and that is produced by an original equipment manufacturer. In order to qualify for a tax credit under this Code section, the vehicle shall be registered in Georgia and be certified by the Department of Natural Resources as meeting all requirements set forth in paragraph (1) of subsection (a) of Code Section 48-7-29.19.

(5) 'New commercial vehicle' means a new commercial vehicle that: (A) is manufactured by an original equipment manufacturer, or (B) is manufactured by an original equipment manufacturer and any third-party equipment manufacturers, provided that such third-party manufacturers provide such parts or services prior to the original sale of such vehicle to a purchaser, and all vehicle components, including the alternative fuel system, are covered by the original equipment manufacturer or covered under separate warranties by the original equipment manufacturer and the third-party equipment manufacturer that together provide warranty for the complete vehicle.

(6) 'Taxpayer' means any person or business entity required by law to file a return or to pay taxes.

(b)(1) A taxpayer shall be allowed a credit against tax imposed under this article for the amount expended on or after July 1, 2015, and before June 30, 2017, to purchase an alternative fuel heavy-duty vehicle not to exceed $20,000.00 per vehicle.

(2) A taxpayer shall be allowed a credit against tax imposed under this article for the amount expended on or after July 1, 2015, and before June 30, 2017, to purchase an alternative fuel medium-duty vehicle not to exceed $12,000.00 per vehicle.

(c) The tax credits allowed under this Code section shall be limited to $2.5 million in each fiscal year beginning with fiscal year 2016 and ending with fiscal year 2017.

(d) In no event shall the total amount of any tax credit under this Code section for a taxpayer or an affiliated entity for a taxable year exceed the lesser of (i) a taxpayer's income tax liability, or (ii) $250,000.00. No unused portion of such tax credit shall be allowed the taxpayer or an affiliated entity against succeeding years' tax liabilities. No such credit shall be allowed the taxpayer or an affiliated entity against prior years' tax liabilities. The tax credit provided for in this Code section shall not apply to any vehicle for which the taxpayer or an affiliated entity has applied for and received a tax credit as set forth in Code Section 48-7-40.16.

(e) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section.

48-7-29.19.

(a) A taxpayer seeking to claim a tax credit under the provisions of Code Section 48-7-29.18 shall submit an application to the commissioner for preapproval of such tax credit. Before any such application for such tax credit is filed, the applicant shall have completed the purchase and shall have registered the qualified vehicle or vehicles in this state. The application shall include:

(1) Certification from the Department of Natural Resources that the vehicle is an alternative fuel heavy-duty vehicle, or alternative fuel medium-duty vehicle, as defined in Code Section 48-7-29.18;
(2) A sworn affidavit from the taxpayer certifying that the vehicle shall accumulate at least 75 percent of its mileage in Georgia in each year for a five-year period, that is registered in Georgia and shall remain registered in Georgia for no less than five years; and
(3) Any other information requested by the commissioner pursuant to a rule or regulation promulgated hereunder. The commissioner shall create and make available the forms to be used for such applications. Within 60 days of receipt of a properly completed application, the commissioner shall preapprove the application if a sufficient amount of available tax credits remain.
(b) The commissioner shall preapprove the tax credits based on the order in which properly completed applications were submitted. In the event that two or more applications were submitted on the same day and the amount of funds available will not be sufficient to fully fund the tax credits requested, the commissioner shall prorate the available funds between or among the applicants.
(c) In no event shall the aggregate amount of the tax credits preapproved by the commissioner for all taxpayers under the provisions of this Code section exceed the amounts specified in subsection (c) of Code Section 48-7-29.18.
(d) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section, including provisions for repayment of any credit in the event any of the certifications of paragraph (2) of subsection (a) of this Code section are or become untrue during the five-year period following the date of application."

SECTION 2.

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, 2015.

SECTION 3.

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

Pursuant to Rule 133, Representative Harrell of the 106th was excused from voting on HB 348.

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

On the passage of the Bill, by substitute, the ayes were 116, nays 53.

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

Representative Carson of the 46th moved that the House reconsider its action in failing to give the requisite constitutional majority to the following Bill of the House:

HB 153. By Representatives Carson of the 46th, Golick of the 40th, Stephens of the 164th, Dudgeon of the 25th, Riley of the 50th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the county special purpose local option sales tax, so as to allow such taxes to be imposed

at a rate of less than 1 percent; to provide for the simultaneous levy of more than one tax under such part if the combined rate of such taxes does not exceed 1 percent; to change the beginning date for imposition of a tax; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

On the motion, the ayes were 101, nays 71.

The motion prevailed.

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

Mr. Speaker:

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

SB 274. By Senators Seay of the 34th, Wilkinson of the 50th, Sims of the 12th, Carter of the 42nd, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Part 2 of Article 4 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Capitol Arts Standards Commission, so as to provide for the designation of areas within the capitol museum as the Georgia Capitol Agricultural History Museum areas; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 729. By Representatives Rice of the 95th, Geisinger of the 48th and Oliver of the 82nd:

A BILL to be entitled an Act to amend Code Section 48-5C-1 of the O.C.G.A., relating to definitions, exemption from taxation, allocation and disbursement of proceeds collected by tag agents, fair market value of vehicle appealable, and report, so as to change the manner for determining fair market value of motor vehicles subject to the tax; to provide for penalties for fraudulent applications for such reductions; to provide for the distribution of revenue to newly created municipalities; to amend Chapter 2 of Title 40 of the O.C.G.A., relating to registration and licensing of motor vehicles, so as to provide for multi-year decals for certain vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-5C-1 of the Official Code of Georgia Annotated, relating to definitions, exemption from taxation, allocation and disbursement of proceeds collected by tag agents, fair market value of vehicle appealable, and report, so as to change the manner for determining fair market value of motor vehicles subject to the tax; to provide for the fair market value determination of kit cars; to provide for credit for trade-in vehicle in certain lease transactions; to provide for the promulgation of a standardized

form; to provide for the calculation of taxes for persons bringing motor vehicles into this state; to provide for the submission of title applications and title ad valorem tax fees by dealers; to provide for penalties for failure to submit title applications and title ad valorem tax fees timely; to provide for certain refunds; to provide for transfers as a result of a divorce decree or court order; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for multiyear decals for certain vehicles; to provide for an expiration period for temporary license plates; to require that applications be submitted to the county where the vehicle will be registered; to provide for extensions of the registration period under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5C-1 of the Official Code of Georgia Annotated, relating to definitions, exemption from taxation, allocation and disbursement of proceeds collected by tag agents, fair market value of vehicle appealable, and report, is amended by revising the Code section as follows:

"48-5C-1.

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

(1) 'Fair market value of the motor vehicle' means:

(A) For a used motor vehicle, the average of the current fair market value and the current wholesale value of a motor vehicle for a vehicle listed in the current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner and based upon a nationally recognized motor vehicle industry pricing guide for fair market and wholesale market values in determining the taxable value of a motor vehicle under Code Section 48-5-442, and, in the case of a used car dealer, less any reduction for the trade-in value of another motor vehicle <u>which shall also be based upon the average of the current fair market value and the current wholesale value of the trade-in motor vehicle listed in the current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner and based upon a nationally recognized motor vehicle industry pricing guide for fair market and wholesale market values in determining the taxable value of a motor vehicle under Code Section 48-5-442</u>;

(B) For a used motor vehicle which is not so listed in such current motor vehicle ad valorem assessment manual, the value from the bill of sale or the value from a reputable used car market guide designated by the commissioner, whichever is greater, and, in the case of a used car dealer, less any reduction for the trade-in value of another motor vehicle<u>; provided, however, that, if the value of the motor vehicle is based upon a reputable used car market guide designated by the commissioner, then the value of the trade-in shall also be based upon the same reputable used car market guide</u>;

~~(C) Upon written application and supporting documentation submitted by an applicant under this Code section, a county tag agent may deviate from the fair market value as defined in subparagraph (A) or (B) of this paragraph based upon mileage and condition of the used vehicle. Supporting documentation may include, but not be limited to, bill of sale, odometer statement, and values from reputable pricing guides. The fair market value as determined by the county tag agent pursuant to this subparagraph shall be appealable as provided in subsection (e) of this Code section; or~~

~~(D)~~(C) For a new motor vehicle, the greater of the retail selling price or, in the case of a lease of a new motor vehicle, the agreed upon value of the vehicle pursuant to the lease agreement or the average of the current fair market value and the current wholesale value of a motor vehicle for a vehicle listed in the current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner in determining the taxable value of a motor vehicle under Code Section 48-5-442, less any reduction for the trade-in value of another motor vehicle as stated in the bill of sale and any rebate or any cash discounts provided by the selling dealer and taken at the time of sale. The retail selling price or agreed upon value shall include any charges for labor, freight, delivery, dealer fees, and similar charges and dealer add-ons and mark-ups~~,~~ but shall not include any extended warranty or maintenance agreement itemized on the dealer's invoice to the customer or any finance, insurance, and interest charges for deferred payments billed separately; or

(D) In the case of a kit car which is assembled by the purchaser from parts supplied by a manufacturer, the greater of the retail selling price of the kit or the average of the current fair market value and the current wholesale value of the motor vehicle if listed in the current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner and based upon a nationally recognized motor vehicle industry pricing guide for fair market and wholesale market values in determining the taxable value of a motor vehicle under Code Section 48-5-442. A kit car shall not include a rebuilt or salvage vehicle.

Upon written application and supporting documentation submitted by an applicant under this Code section, a county tag agent may deviate from the fair market value as defined in subparagraph (A) or (B) of this paragraph based upon mileage and condition of the used vehicle. Supporting documentation may include, but shall not be limited to, bill of sale, odometer statement, and values from reputable pricing guides. The fair market value as determined by the county tag agent pursuant to this paragraph shall be appealable as provided in subsection (e) of this Code section. When a lessor receives a motor vehicle which was returned to the lessor by a lessee and the lessor utilizes such vehicle as a trade-in in the purchase of another motor vehicle to be leased to the same or a different lessee, such lessor shall receive credit for such trade-in vehicle in determining the fair market value of the vehicle being purchased.

(2) 'Immediate family member' means spouse, parent, child, sibling, grandparent, or grandchild.

(3) 'Loaner vehicle' means a motor vehicle owned by a dealer which is withdrawn temporarily from dealer inventory for exclusive use as a courtesy vehicle loaned at no charge for a period not to exceed 30 days within a 366 day period to any one customer whose motor vehicle is being serviced by such dealer.

(4) 'Rental charge' means the total value received by a rental motor vehicle concern for the rental or lease for 31 or fewer consecutive days of a rental motor vehicle, including the total cash and nonmonetary consideration for the rental or lease, including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver but excluding all charges for motor fuel taxes or sales and use taxes.

(5) 'Rental motor vehicle' means a motor vehicle designed to carry 15 or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver.

(6) 'Rental motor vehicle concern' means a person or legal entity which owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

(7) 'Trade-in value' means the fair market value of the motor vehicle, as defined in paragraph (1) of this subsection, ~~as stated in the bill of sale for a vehicle~~ which has been traded in to the dealer in a transaction involving the purchase of another vehicle from the dealer.

(b)(1)(A) Except as otherwise provided in this subsection, any motor vehicle for which a title is issued in this state on or after March 1, 2013, shall be exempt from sales and use taxes to the extent provided under paragraph (95) of Code Section 48-8-3 and shall not be subject to the ad valorem tax as otherwise required under Chapter 5 of this title. Any such motor vehicle shall be titled as otherwise required under Title 40 but shall be subject to a state title fee and a local title fee which shall be alternative ad valorem taxes as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution. Motor vehicles registered under the International Registration Plan shall not be subject to state and local title ad valorem tax fees but shall continue to be subject to apportioned ad valorem taxation under Article 10 of Chapter 5 of this title.

(B)(i) As used in this subparagraph, the term:

(I) 'Local base amount' means $1 billion.

(II) 'Local current collection amount' means the total amount of sales and use taxes on the sale of motor vehicles under Chapter 8 of this title and motor vehicle local ad valorem tax proceeds under this Code section and Chapter 5 of this title which were collected during the calendar year which immediately precedes the tax year in which the title ad valorem tax adjustments are required to be made under this subparagraph.

(III) 'Local target collection amount' means an amount equal to the local base amount added to the product of 2 percent of the local base amount multiplied by the number of years since 2012 with a maximum amount of $1.2 billion.

(IV) 'State base amount' means $535 million.

(V) 'State current collection amount' means the total amount of sales and use taxes on the sale of motor vehicles under Chapter 8 of this title and motor vehicle state ad valorem tax proceeds under this Code section and Chapter 5 of this title which were collected during the calendar year which immediately precedes the tax year in which the state and local title ad valorem tax rate is to be reviewed for adjustment under division (xiv) of this subparagraph. Notwithstanding the other provisions of this subdivision to the contrary, the term 'state current collection amount' for the 2014 calendar year for the purposes of the 2015 review under division (xiv) of this subparagraph shall be adjusted so that such amount is equal to the amount of motor vehicle state ad valorem tax proceeds that would have been collected under this Code section in 2014 if the combined state and local title ad valorem tax rate was 7 percent of the fair market value of the motor vehicle less any trade-in value plus the total amount of motor vehicle state ad valorem tax proceeds collected under Chapter 5 of this title during 2014.

(VI) 'State target collection amount' means an amount equal to the state base amount added to the product of 2 percent of the state base amount multiplied by the number of years since 2012.

(ii) The combined state and local title ad valorem tax shall be at a rate equal to:

(I) For the period commencing March 1, 2013, through December 31, 2013, 6.5 percent of the fair market value of the motor vehicle;

(II) For the 2014 tax year, 6.75 percent of the fair market value of the motor vehicle; and

(III) Except as provided in division (xiv) of this subparagraph, for the 2015 and subsequent tax years, 7 percent of the fair market value of the motor vehicle.

(iii) For the period commencing March 1, 2013, through December 31, 2013, the state title ad valorem tax shall be at a rate equal to 57 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 43 percent of the tax rate specified in division (ii) of this subparagraph.

(iv) For the 2014 tax year, the state title ad valorem tax shall be at a rate equal to 55 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 45 percent of the tax rate specified in division (ii) of this subparagraph.

(v) For the 2015 tax year, the state title ad valorem tax shall be at a rate equal to 55 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 45 percent of the tax rate specified in division (ii) of this subparagraph.

(vi) For the 2016 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 53.5 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 46.5 percent of the tax rate specified in division (ii) of this subparagraph.

(vii) For the 2017 tax year, except as otherwise provided in divisions (xiii) and (xiv) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 44 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 56 percent of the tax rate specified in division (ii) of this subparagraph.

(viii) For the 2018 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 40 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 60 percent of the tax rate specified in division (ii) of this subparagraph.

(ix) For the 2019 tax year, except as otherwise provided in divisions (xiii) and (xiv) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 36 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 64 percent of the tax rate specified in division (ii) of this subparagraph.

(x) For the 2020 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 34 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 66 percent of the tax rate specified in division (ii) of this subparagraph.

(xi) For the 2021 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 30 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 70 percent of the tax rate specified in division (ii) of this subparagraph.

(xii) For the 2022 and all subsequent tax years, except as otherwise provided in division (xiii) of this subparagraph for tax years 2022, 2023, and 2024 and except as otherwise provided in division (xiv) of this subparagraph for tax year 2023, the state title ad valorem tax shall be at a rate equal to 28 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 72 percent of the tax rate specified in division (ii) of this subparagraph.

(xiii) Beginning in 2016, by not later than January 15 of each tax year through the 2022 tax year, the state revenue commissioner shall determine the local target collection amount and the local current collection amount for the preceding calendar year. If such local current collection amount is equal to or within 1 percent of the local target collection amount, then the state title ad valorem tax rate and the local title ad valorem tax rate for such tax year shall remain at the rate specified in this subparagraph for that year. If the local current collection amount is more than 1 percent greater than the local target collection amount, then the local title ad valorem tax rate for such tax year shall be reduced automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the local current

collection amount would have produced an amount equal to the local target collection amount, and the state title ad valorem tax rate for such tax year shall be increased by an equal amount to maintain the combined state and local title ad valorem tax rate at the rate specified in division (ii) of this subparagraph. If the local current collection amount is more than 1 percent less than the local target collection amount, then the local title ad valorem tax rate for such tax year shall be increased automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the local current collection amount would have produced an amount equal to the local target collection amount, and the state title ad valorem tax rate for such tax year shall be reduced by an equal amount to maintain the combined state and local title ad valorem tax rate at the rate specified in division (ii) of this subparagraph. In the event of an adjustment of such ad valorem tax rates, by not later than January 31 of such tax year, the state revenue commissioner shall notify the tax commissioner of each county in this state of the adjusted rate amounts. The effective date of such adjusted rate amounts shall be January 1 of such tax year.

(xiv) In tax years 2015, 2018, and 2022, by not later than July 1 of each such tax year, the state revenue commissioner shall determine the state target collection amount and the state current collection amount for the preceding calendar year. If such state current collection amount is greater than, equal to, or within 1 percent of the state target collection amount after making the adjustment, if any, required in division (xiii) of this subparagraph, then the combined state and local title ad valorem tax rate provided in division (ii) of this subparagraph shall remain at the rate specified in such division. If the state current collection amount is more than 1 percent less than the state target collection amount after making the adjustment, if any, required by division (xiii) of this subparagraph, then the combined state and local title ad valorem tax rate provided in division (ii) of this subparagraph shall be increased automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the state current collection amount would have produced an amount equal to the state target collection amount, and the state title ad valorem tax rate and the local title ad valorem tax rate for the tax year in which such increase in the combined state and local title ad valorem tax rate shall become effective shall be adjusted from the rates specified in this subparagraph ~~or division (xiii) of this subparagraph~~ for such tax year such that the proceeds from such increase in the combined state and local title ad valorem tax rate shall be allocated in full to the state. In the event of an adjustment of the combined state and local title ad valorem tax rate, by not later than August 31 of such tax year, the state revenue commissioner shall notify the tax commissioner of each county in this state of the adjusted combined state and local title ad valorem tax rate for the next calendar year. The effective date of such adjusted combined state and local title ad valorem tax rate shall be January 1 of the next calendar year. Notwithstanding the

provisions of this division, the combined state and local title ad valorem tax rate shall not exceed 9 percent.

(xv) The state revenue commissioner shall promulgate such rules and regulations as may be necessary and appropriate to implement and administer this Code section, including, but not limited to, rules and regulations regarding appropriate public notification of any changes in rate amounts and the effective date of such changes and rules and regulations regarding appropriate enforcement and compliance procedures and methods for the implementation and operation of this Code section. The state revenue commissioner shall promulgate a standardized form to be used by all dealers of new and used vehicles in this state in order to ease the administration of this Code section. The state revenue commissioner may promulgate and implement rules and regulations as may be necessary to permit seller financed sales of used vehicles to be assessed 2.5 percentage points less than the rate specified in division ~~(b)(1)(B)~~(ii) of this ~~Code section~~ subparagraph.

(C) The application for title and the state and local title ad valorem tax fees provided for in subparagraph (A) of this paragraph shall be paid to the tag agent in the county where the motor vehicle is to be registered and shall be paid at the time the application for a certificate of title is submitted or, in the case of an electronic title transaction, at the time when the electronic title transaction is finalized. In an electronic title transaction, the state and local title ad valorem tax fees shall be remitted electronically directly to the county tag agent. A dealer of new or used motor vehicles ~~may accept~~ shall make such application for title and state and local title ad valorem tax fees on behalf of the purchaser of a new or used motor vehicle for the purpose of submitting or, in the case of an electronic title application, finalizing such title application and remitting state and local title ad valorem tax fees.

(D) There shall be a penalty imposed on any person who, in the determination of the commissioner, falsifies any information in any bill of sale used for purposes of determining the fair market value of the motor vehicle. Such penalty shall not exceed $2,500.00 as a state penalty and shall not exceed $2,500.00 as a local penalty as determined by the commissioner. Such determination shall be made within 60 days of the commissioner receiving information of a possible violation of this paragraph.

(E) Except in the case in which an extension of the registration period has been granted by the county tag agent under Code Section 40-2-20, a dealer of new or used motor vehicles that ~~accepts~~ makes an application for title and collects state and local title ad valorem tax fees from a purchaser of a new or used motor vehicle and does not submit or, in the case of an electronic title transaction, finalize such application for title and remit such state and local title ad valorem tax fees to the county tag agent within 30 days following the date of purchase shall be liable to the county tag agent for an amount equal to 5 percent of the amount of such state and local title ad valorem tax fees. An additional penalty equal to 10 percent of the amount of such state and local title ad valorem tax fees shall be imposed if such

payment is not transmitted within 60 days following the date of purchase. An additional penalty equal to 15 percent of the amount of such state and local title ad valorem tax fees shall be imposed if such payment is not transmitted within 90 days following the date of purchase, and an additional penalty equal to 20 percent of the amount of such state and local title ad valorem tax fees shall be imposed if such payment is not transmitted within 120 days following the date of purchase. An additional penalty equal to 25 percent of the amount of such state and local title ad valorem tax fees shall be imposed for each subsequent 30 day period in which the payment is not transmitted. In addition, any such dealer of used motor vehicles who fails to make the application for title and submit or, in the case of an electronic title transaction, finalize such application for title and remit such state and local title ad valorem tax fees to the county tag agent within 30 days following the date of purchase shall also be subject to civil fines not to exceed $500.00 per transaction, and such failure may be the basis for the revocation or suspension of such dealer's license under Chapter 47 of Title 43.

(F) A dealer of new or used motor vehicles that ~~accepts~~ makes an application for title and collects state and local title ad valorem tax fees from a purchaser of a new or used motor vehicle and converts such fees to his or her own use shall be guilty of theft by conversion and, upon conviction, shall be punished as provided in Code Section 16-8-12.

(2) A person or entity acquiring a salvage title pursuant to subsection (b) of Code Section 40-3-36 shall not be subject to the fee specified in paragraph (1) of this subsection but shall be subject to a state title ad valorem tax fee in an amount equal to 1 percent of the fair market value of the motor vehicle. Such state title ad valorem tax fee shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(c)(1) The amount of proceeds collected by tag agents each month as state and local title ad valorem tax fees, state salvage title ad valorem tax fees, administrative fees, penalties, and interest pursuant to subsection (b) of this Code section shall be allocated and disbursed as provided in this subsection.

(2) For the 2013 tax year and in each subsequent tax year, the amount of such funds shall be disbursed within 20 days following the end of each calendar month as follows:

(A) State title ad valorem tax fees, state salvage title ad valorem tax fees, administrative fees, penalties, and interest shall be remitted to the state revenue commissioner who shall deposit such proceeds in the general fund of the state less an amount to be retained by the tag agent not to exceed 1 percent of the total amount otherwise required to be remitted under this subparagraph to defray the cost of administration. Such retained amount shall be remitted to the collecting county's general fund. Failure by the tag agent to disburse within such 20 day period shall result in a forfeiture of such administrative fee plus interest on such amount at the rate specified in Code Section 48-2-40; and

(B) Local title ad valorem tax fees, administrative fees, penalties, and interest shall be designated as local government ad valorem tax funds. The tag agent shall then distribute the proceeds as specified in paragraph (3) of this subsection.

(3) The local title ad valorem tax fee proceeds required under this subsection shall be distributed as follows:

(A) The tag agent of the county shall within 20 days following the end of each calendar month allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county an amount of those proceeds necessary to offset any reduction in ad valorem tax on motor vehicles collected under Chapter 5 of this title in the taxing jurisdiction of each governing authority and school district from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of this title in each such governing authority and school district during the same calendar month of 2012. This reduction shall be calculated by subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in each such taxing jurisdiction from the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in that taxing jurisdiction in the same calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are insufficient to fully offset such reduction in ad valorem taxes on motor vehicles, the tag agent shall allocate a proportionate amount of the proceeds to each governing authority and to the board of education of each such school district, and any remaining shortfall shall be paid from the following month's local title ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall continue to first allocate local title ad valorem tax fee proceeds to offset such shortfalls until the shortfall has been fully repaid; and

(B) Of the proceeds remaining following the allocation and distribution under subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county the remaining amount of those proceeds in the manner provided in this subparagraph. Such proceeds shall be deposited in the general fund of such governing authority or board of education and shall not be subject to any use or expenditure requirements provided for under any of the following described local sales and use taxes but shall be authorized to be expended in the same manner as authorized for the ad valorem tax revenues on motor vehicles under Chapter 5 of this title which would otherwise have been collected for such governing authority or board of education. Of such remaining proceeds:

(i) An amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district and the board of education of each independent school district located in such county in the same manner as required for any local sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 of this title currently in effect. If such tax is not currently in

effect, such proceeds shall be distributed to such board or boards of education in the same manner as if such tax were in effect;

(ii)(I) Except as otherwise provided in this division, an amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of this title currently in effect.

(II) If such tax were never in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(III) If such tax is currently in effect as well as a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment, an amount equal to one-third of such proceeds shall be distributed in the same manner as required under subdivision (I) of this division and an amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district.

(IV) If such tax is not currently in effect and a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment is currently in effect, such proceeds shall be distributed to the board of education of the county school district and the board of education of any independent school district in the same manner as required under ~~that~~ such local constitutional amendment.

(V) If such tax is not currently in effect and a homestead option sales and use tax under Article 2A of Chapter 8 of this title is in effect, such proceeds shall be distributed to the governing authority of the county, each qualified municipality, and each existing municipality in the same proportion as otherwise required under Code Section 48-8-104; and

(iii)(I) An amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of this title currently in effect; provided, however, that this subdivision shall not apply if subdivision (III) of division (ii) of this subparagraph is applicable.

(II) If such tax were in effect but expired and is not currently in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as if such tax were still in effect according to the intergovernmental agreement or as otherwise required under the county special purpose local sales and use tax under Part 1 of Article 3 of Chapter 8 of this title

for the 12 month period commencing at the expiration of such tax. If such tax is not renewed prior to the expiration of such 12 month period, such amount shall be distributed in accordance with subdivision (I) of division (ii) of this subparagraph; provided, however, that if a tax under Article 2 of Chapter 8 of this title is not in effect, such amount shall be distributed in accordance with subdivision (II) of division (ii) of this subparagraph.

(III) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be distributed to the governing body of the authority created by local Act to operate such metropolitan area system of public transportation.

(IV) If such tax were never in effect, such proceeds shall be distributed in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of this title currently in effect; provided, however, that if such tax under such article is not in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(d)(1)(A) Upon the death of an owner of a motor vehicle which has not become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member or immediate family members of such owner who receive such motor vehicle pursuant to a will or under the rules of inheritance shall, subsequent to the transfer of title of such motor vehicle, continue to be subject to ad valorem tax under Chapter 5 of this title and shall not be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section unless the immediate family member or immediate family members make an affirmative written election to become subject to paragraph (1) of subsection (b) of this Code section. In the event of such election, such transfer shall be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section.

(B) Upon the death of an owner of a motor vehicle which has become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member or immediate family members of such owner who receive such motor vehicle pursuant to a will or under the rules of inheritance shall be subject to a state title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle and a local title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle. Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(2)(A) Upon the transfer from an immediate family member of a motor vehicle which has not become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member or immediate family members who receive such motor vehicle shall, subsequent to the transfer of title of such motor vehicle, continue to be subject to ad valorem tax under Chapter 5 of this title and shall not be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section unless the immediate family member or immediate family members make an affirmative written election to become subject to paragraph (1) of subsection (b) of this Code section. In the event of such election, such transfer shall be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section.

(B) Upon the transfer from an immediate family member of a motor vehicle which has become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member who receives such motor vehicle shall transfer title of such motor vehicle to such recipient family member and shall be subject to a state title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle and a local title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle. Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(C) Any title transfer under this paragraph shall be accompanied by an affidavit of the transferor and transferee that such persons are immediate family members to one another. There shall be a penalty imposed on any person who, in the determination of the state revenue commissioner, falsifies any material information in such affidavit. Such penalty shall not exceed $2,500.00 as a state penalty and shall not exceed $2,500.00 as a local penalty as determined by the state revenue commissioner. Such determination shall be made within 60 days of the state revenue commissioner receiving information of a possible violation of this paragraph.

(3) Any individual who:

(A) Is required by law to register a motor vehicle or motor vehicles in this state which were registered in the state in which such person formerly resided; and

(B) Is required to file an application for a certificate of title under Code Section 40-3-21 or 40-3-32

shall only be required to pay ~~state and local title ad valorem tax fees in the amount of 50 percent of the amount which would otherwise be due and payable under this subsection at the time of filing the application for a certificate of title, and the remaining 50 percent shall be paid within 12 months~~ a state title ad valorem tax fee in the amount of 2 percent of the fair market value of the motor vehicle and a local title ad valorem tax fee in the amount of 2 percent of the fair market value of the motor vehicle; provided, however, that in the event that the combined state and local title ad valorem tax rate imposed under paragraph (1) of subsection (b) of this Code section exceeds 8 percent, then the state title ad valorem tax rate under this paragraph shall be adjusted to equal one-quarter of the combined state and local title ad valorem tax rate

and the local title ad valorem tax rate under this paragraph shall be adjusted to equal one-quarter of the combined state and local title ad valorem tax rate.

(4) The state and local title ad valorem tax fees provided for under this Code section shall not apply to corrected titles, replacement titles under Code Section 40-3-31, or titles reissued to the same owner pursuant to Code Sections 40-3-50 through 40-3-56.

(5) Any motor vehicle subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section shall continue to be subject to the title, license plate, revalidation decal, and registration requirements and applicable fees as otherwise provided in Title 40 in the same manner as motor vehicles which are not subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section.

(6) Motor vehicles owned or leased by or to the state or any county, consolidated government, municipality, county or independent school district, or other government entity in this state shall not be subject to the state and local title ad valorem tax fees provided for under paragraph (1) of subsection (b) of this Code section; provided, however, that such other government entity shall not qualify for the exclusion under this paragraph unless it is exempt from ad valorem tax and sales and use tax pursuant to general law.

(7)(A) Any motor vehicle which is exempt from sales and use tax pursuant to paragraph (30) of Code Section 48-8-3 shall be exempt from state and local title ad valorem tax fees under this subsection.

(B) Any motor vehicle which is exempt from ad valorem taxation pursuant to Code Section 48-5-478, 48-5-478.1, 48-5-478.2, or 48-5-478.3 shall be exempt from state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section.

(8) There shall be a penalty imposed on the transfer of all or any part of the interest in a business entity that includes primarily as an asset of such business entity one or more motor vehicles, when, in the determination of the state revenue commissioner, such transfer is done to evade the payment of state and local title ad valorem tax fees under this subsection. Such penalty shall not exceed $2,500.00 as a state penalty per motor vehicle and shall not exceed $2,500.00 as a local penalty per motor vehicle, as determined by the state revenue commissioner, plus the amount of the state and local title ad valorem tax fees. Such determination shall be made within 60 days of the state revenue commissioner receiving information that a transfer may be in violation of this paragraph.

(9) Any owner of any motor vehicle who fails to submit within 30 days of the date such owner is required by law to register such vehicle in this state an application for a first certificate of title under Code Section 40-3-21 or a certificate of title under Code Section 40-3-32 shall be required to pay a penalty in the amount of 10 percent of the state title ad valorem tax fees and 10 percent of the local title ad valorem tax fees required under this Code section, and~~,~~ if such state and local title ad valorem tax fees and the penalty are not paid within 60 days following the date such owner is required by law to register such vehicle, interest at the rate of 1.0 percent per month shall be

imposed on the state and local title ad valorem tax fees due under this Code section, unless a temporary permit has been issued by the tax commissioner. The tax commissioner shall grant a temporary permit in the event the failure to timely apply for a first certificate of title is due to the failure of a lienholder to comply with Code Section 40-3-56, regarding release of a security interest or lien, and no penalty or interest shall be assessed. Such penalty and interest shall be in addition to the penalty and fee required under Code Section 40-3-21 or 40-3-32, as applicable.

(10) The owner of any motor vehicle for which a title was issued in this state on or after January 1, 2012, and prior to March 1, 2013, shall be authorized to opt in to the provisions of this subsection at any time prior to February 28, 2014, upon compliance with the following requirements:

(A)(i) The total amount of Georgia state and local title ad valorem tax fees which would be due from March 1, 2013, to December 31, 2013, if such vehicle had been titled in 2013 shall be determined; and

(ii) The total amount of Georgia state and local sales and use tax and Georgia state and local ad valorem tax under Chapter 5 of this title which were due and paid in 2012 for ~~that~~ such motor vehicle and, if applicable, the total amount of such taxes which were due and paid for ~~that~~ such motor vehicle in 2013 and 2014 shall be determined; and

(B)(i) If the amount derived under division (i) of subparagraph (A) of this paragraph is greater than the amount derived under division (ii) of subparagraph (A) of this paragraph, the owner shall remit the difference to the tag agent. Such remittance shall be deemed local title ad valorem tax fee proceeds; or

(ii) If the amount derived under division (i) of subparagraph (A) of this paragraph is less than the amount derived under division (ii) of subparagraph (A) of this paragraph, no additional amount shall be due and payable by the owner.

Upon certification by the tag agent of compliance with the requirements of this paragraph, such motor vehicle shall not be subject to ad valorem tax as otherwise required under Chapter 5 of this title in the same manner as otherwise provided in paragraph (1) of subsection (b) of this Code section.

(11)(A) In the case of rental motor vehicles owned by a rental motor vehicle concern, the state title ad valorem tax fee shall be in an amount equal to .625 percent of the fair market value of the motor vehicle, and the local title ad valorem tax fee shall be in an amount equal to .625 percent of the fair market value of the motor vehicle, but only if in the immediately prior calendar year the average amount of sales and use tax attributable to the rental charge of each such rental motor vehicle was at least $400.00 as certified by the state revenue commissioner. If, in the immediately prior calendar year, the average amount of sales and use tax attributable to the rental charge of each such rental motor vehicle was not at least $400.00, this paragraph shall not apply and such vehicles shall be subject to the state and local title ad valorem tax fees prescribed in division (b)(1)(B)(ii) of this Code section.

(B) Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution. (12) A loaner vehicle shall not be subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section for a period of time not to exceed 366 days commencing on the date such loaner vehicle is withdrawn temporarily from inventory. Immediately upon the expiration of such 366 day period, if the dealer does not return the loaner vehicle to inventory for resale, the dealer shall be responsible for remitting state and local title ad valorem tax fees in the same manner as otherwise required of an owner under paragraph (9) of this subsection and shall be subject to the same penalties and interest as an owner for noncompliance with the requirements of paragraph (9) of this subsection.

(13) Any motor vehicle which is donated to a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code for the purpose of being transferred to another person shall, when titled in the name of such nonprofit organization, not be subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section but shall be subject to state and local title ad valorem tax fees otherwise applicable to salvage titles under paragraph (2) of subsection (b) of this Code section.

(14)(A) A lessor of motor vehicles that leases motor vehicles for more than 31 consecutive days to lessees residing in this state shall register with the department. The department shall collect an annual fee of $100.00 for such registrations. Failure of a lessor to register under this subparagraph shall subject such lessor to a civil penalty of $2,500.00.

(B) A lessee residing in this state who leases a motor vehicle under this paragraph shall register such motor vehicle with the tag agent in such lessee's county of residence within 30 days of the commencement of the lease of such motor vehicle or beginning residence in this state, whichever is later.

(C) A lessor that leases a motor vehicle under this paragraph to a lessee residing in this state shall apply for a certificate of title in this state within 30 days of the commencement of the lease of such motor vehicle.

(15) There shall be no liability for any state or local title ad valorem tax fees in any of the following title transactions:

(A) The addition or substitution of lienholders on a motor vehicle title so long as the owner of the motor vehicle remains the same;

(B) The acquisition of a bonded title by a person or entity pursuant to Code Section 40-3-28 if the title is to be issued in the name of such person or entity;

(C) The acquisition of a title to a motor vehicle by a person or entity as a result of the foreclosure of a mechanic's lien pursuant to Code Section 40-3-54 if such title is to be issued in the name of such lienholder;

(D) The acquisition of a title to an abandoned motor vehicle by a person or entity pursuant to Chapter 11 of this title if such person or entity is a manufacturer or dealer of motor vehicles and the title is to be issued in the name of such person or entity;

(E) The obtaining of a title to a stolen motor vehicle by a person or entity pursuant to Code Section 40-3-43;

(F) The obtaining of a title by and in the name of a motor vehicle manufacturer, licensed distributor, licensed dealer, or licensed rebuilder for the purpose of sale or resale or to obtain a corrected title, provided that the manufacturer, distributor, dealer, or rebuilder shall submit an affidavit in a form promulgated by the commissioner attesting that the transfer of title is for the purpose of accomplishing a sale or resale or to correct a title only;

(G) The obtaining of a title by and in the name of the holder of a security interest when a motor vehicle has been repossessed after default in accordance with Part 6 of Article 9 of Title 11 if such title is to be issued in the name of such security interest holder;

(H) The obtaining of a title by a person or entity for purposes of correcting a title, changing an odometer reading, or removing an odometer discrepancy legend, provided that, subject to subparagraph (F) of this paragraph, title is not being transferred to another person or entity; and

(I) The obtaining of a title by a person who pays state and local title ad valorem tax fees on a motor vehicle and subsequently moves out of this state but returns and applies to retitle such vehicle in this state.

(16) It shall be unlawful for a person, including a dealer of new or used motor vehicles under subparagraph (b)(1)(C) of this Code section, to fail to obtain a title for and register a motor vehicle in accordance with the provisions of this chapter. Any person, including a dealer of new or used motor vehicles under subparagraph (b)(1)(C) of this Code section, who knowingly and willfully fails to obtain a title for or register a motor vehicle in accordance with the provisions of this chapter shall be guilty of a misdemeanor of a high and aggravated nature.

(17) Any person who purchases a ~~1963 through~~ 1985 or earlier model year motor vehicle for which such person obtains a title shall be subject to this Code section, but the state title ad valorem tax fee shall be in an amount equal to .50 percent of the fair market value of such motor vehicle, and the local title ad valorem tax fee shall be in an amount equal to .50 percent of the fair market value of such motor vehicle.

(18)(A) Upon the transfer as the result of a divorce decree or court order of a motor vehicle which has not become subject to paragraph (1) of subsection (b) of this Code section, the person who receives such motor vehicle shall, subsequent to the transfer of title of such motor vehicle, continue to be subject to the ad valorem tax under Chapter 5 of this title and shall not be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section unless such person makes an affirmative written election to become subject to paragraph (1) of subsection (b) of this Code section. In the event of such election, such transfer shall be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section.

(B) Upon the transfer as the result of a divorce decree or court order of a motor vehicle which has become subject to paragraph (1) of subsection (b) of this Code

section, the person who receives such motor vehicle shall at the time of the transfer of title of such motor vehicle be subject to a state title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle and a local title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle. Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(C) Any title transfer under this paragraph shall be accompanied by an affidavit of the transferee that such transfer is pursuant to a divorce decree or court order, and the transferee shall attach such decree or order to the affidavit. There shall be a penalty imposed on any person who, in the determination of the state revenue commissioner, falsifies any material information in such affidavit. Such penalty shall not exceed $2,500.00 as a state penalty and shall not exceed $2,500.00 as a local penalty as determined by the state revenue commissioner. Such determination shall be made within 60 days of the state revenue commissioner receiving information of a possible violation of this paragraph.

(e) The fair market value of any motor vehicle subject to this Code section shall be appealable in the same manner as otherwise authorized for a motor vehicle subject to ad valorem taxation under Code Section 48-5-450; provided, however, that the person appealing the fair market value shall first pay the full amount of the state and local title ad valorem tax prior to filing any appeal. If the appeal is successful, the amount of the tax owed shall be recalculated and, if the amount paid by the person appealing the determination of fair market value is greater than the recalculated tax owed, the person shall be promptly given a refund of the difference.

(f) Beginning in 2014, on or before January 31 of each year, the department shall provide a report to the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee showing the state and local title ad valorem tax fee revenues collected pursuant to this chapter and the motor vehicle ad valorem tax proceeds collected pursuant to Chapter 5 of this title during the preceding calendar year.

(g) A motor vehicle dealer shall be authorized to apply for a refund of state and local title ad valorem taxes on behalf of the person who purchased a motor vehicle from such dealer. Such dealer shall promptly pay to such purchaser any refund received by the dealer which is owed to the purchaser, and in any event, such payment shall be made no later than ten days following the receipt of such refund by the dealer."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subsection (b) of Code Section 40-2-8, relating to the operation of unregistered vehicles, as follows:

"(b)(1) Any vehicle operated in the State of Georgia which is required to be registered and which does not have attached to the rear thereof a numbered license plate and current revalidation decal affixed to a corner or corners of the license plate as designated by the commissioner, if required, shall be stored at the owner's risk and

expense by any law enforcement officer of the State of Georgia, unless such operation is otherwise permitted by this chapter.

(2)(A) It shall be a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid numbered license plate properly validated, unless such operation is otherwise permitted under this chapter; and provided, further, that the purchaser of a new vehicle or a used vehicle from a dealer of new or used motor vehicles who displays a temporary plate issued as provided by subparagraph (B) of this paragraph may operate such vehicle on the public highways and streets of this state without a current valid license plate during the period within which the purchaser is required by Code Section 40-2-20. An owner acquiring a motor vehicle from an entity that is not a new or used vehicle dealer shall register such vehicle as provided for in Code Section 40-2-29 unless such vehicle is to be registered under the International Registration Plan pursuant to Article 3A of this chapter.

(B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a vehicle at the time of sale thereof, unless such vehicle is to be registered under the International Registration Plan, a temporary plate as provided for by department rules or regulations which may bear the dealer's name and location and shall bear ~~the~~ an expiration date 45 days from the date of purchase ~~of the period within which the purchaser is required by Code Section 40-2-20 to register such vehicle~~. The expiration date of such a temporary plate may be revised and extended by the county tag agent upon application by the dealer, the purchaser, or the transferee if an extension of the purchaser's initial registration period has been granted as provided by Code Section 40-2-20. Such temporary plate shall not resemble a license plate issued by this state and shall be issued without charge or fee. The requirements of this subparagraph ~~do~~ shall not apply to a dealer whose primary business is the sale of salvage motor vehicles and other vehicles on which total loss claims have been paid by insurers.

(ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a standard design prescribed by regulation promulgated by the department. The department may provide by rule or regulation for the sale and distribution of such temporary plates by third parties in accordance with paragraph (3) of this subsection.

(3) All sellers and distributors of temporary license plates shall maintain an inventory record of temporary license plates by number and name of the dealer.

(4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth in this Code section during the period allowed for the registration of such vehicle. If the owner of such vehicle presents evidence that such owner has properly applied for the registration of such vehicle, but that the license plate or revalidation decal has not been delivered to such owner, then the owner shall not be subject to the penalties enumerated in this subsection."

SECTION 3.

Said title is further amended by revising subparagraph (a)(1)(A) of Code Section 40-2-20, relating to registration and license requirements, extension of registration period, and penalties, and by adding a new subsection to read as follows:

"(a)(1)(A) Except as provided in subsection (b) or (d) of this Code section and subsection (a) of Code Section 40-2-47, every owner of a motor vehicle, including a tractor or motorcycle, and every owner of a trailer shall, during the owner's registration period in each year, register such vehicle as provided in this chapter and obtain a license to operate it for the 12 month period until such person's next registration period."

"(d) Upon the payment of the requisite fee, the owner of a passenger car for which the owner has paid state and local title ad valorem taxes may choose to register such passenger car for a period of two, three, four, or five years instead of the annual registration provided for in this Code section."

SECTION 4.

Said chapter is further amended by revising subsection (c) of Code Section 40-2-29, relating to registration and license plate requirement, license fee to accompany application, temporary operating permit, and penalties, as follows:

"(c) A person unable to fully comply with the requirements of subsection (a) of this Code section shall register such vehicle and receive a temporary operating permit that will be valid until the end of the initial registration period as provided for in paragraph (.1) of subsection (a) of Code Section 40-2-21. The commissioner may provide by rule or regulation for one 30 day extension of such initial registration period which may be granted by the county tag agent if the transferor has not provided such purchaser or other transferee owner with a title to the motor vehicle more than five business days prior to the expiration of such initial registration period. The county tag agent shall grant an extension of the initial registration period when the transferor, purchaser, or transferee can demonstrate by affidavit in a form provided by the commissioner that title has not been provided to the purchaser or transferee due to the failure of a security interest or lienholder to timely release a security interest or lien in accordance with Code Section 40-3-56."

SECTION 5.

Said chapter is further amended by revising Code Section 40-2-151, relating to annual license fees for operation of vehicles and fee for permanent licensing of certain trailers, by adding a new subsection to read as follows:

"(c) The fee for a passenger car for which the owner has paid state and local title ad valorem taxes and that is being registered as provided in subsection (d) of Code Section 40-2-20 shall be:

(1) For a two-year registration period $38.00
(2) For a three-year registration period 57.00
(3) For a four-year registration period 75.00

(4) For a five-year registration period..... 90.00"

SECTION 6.

Said title is further amended by revising Code Section 40-3-21, relating to the application for the first certificate of title, as follows:

"40-3-21.

(a) The application for the first certificate of title of a vehicle in this state shall be to ~~made by the owner to the commissioner or~~ the commissioner's duly authorized county tag agent on the prescribed form. Except as provided in subsection (b) of this Code section, the application ~~must~~ shall be submitted to ~~the commissioner or~~ the appropriate authorized county tag agent by the owner of the vehicle within 30 days from the date of purchase of the vehicle or from the date the owner is otherwise required by law to register the vehicle in this state. If the owner does not submit the application within that time, the owner of the vehicle shall be required to pay a penalty of $10.00 in addition to the ordinary title fee provided for by this chapter. If the documents submitted in support of the title application are rejected, the party submitting the documents shall have 60 days from the date of rejection to resubmit the documents required by ~~the commissioner or~~ the authorized county tag agent for the issuance of a certificate of title. Should the documents not be properly resubmitted within the 60 day period, there shall be an additional $10.00 penalty assessed, and the owner of the vehicle shall be required to remove immediately the license plate of the vehicle and return same to ~~the commissioner or~~ the authorized county tag agent. The license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the documents submitted, if the documents have not been resubmitted as required under this subsection. Such application shall contain:

(1) The full legal name, driver's license number, residence, and mailing address of the owner;

(2) A description of the vehicle, including, so far as the following data exist: its make, model, identifying number, type of body, the number of cylinders, and whether new, used, or a demonstrator and, for a manufactured home, the manufacturer's statement or certificate of origin and the full serial number for all manufactured homes sold in this state on or after July 1, 1994;

(3) The date of purchase by the applicant and, except as provided in paragraph (2) of subsection (c) of this Code section, the name and address of the person from whom the vehicle was acquired and the names and addresses of the holders of all security interests and liens in order of their priority; and

(4) Any further information the ~~commissioner~~ authorized county tag agent reasonably requires to identify the vehicle and to enable ~~the commissioner or~~ the authorized county tag agent to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle and liens on the vehicle.

(b)(1) As used in this subsection, the term 'digital signature' means a digital or electronic method executed or adopted by a party with the intent to be bound by or to

authenticate a record, which is unique to the person using it, is capable of verification, is under the sole control of the person using it, and is linked to data in such a manner that if the data are changed, the digital or electronic signature is invalidated.

(2) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of the holder of any security interest created or reserved at the time of the sale by the dealer. The application shall be signed by the owner and, unless the dealer's signature appears on the certificate of title or manufacturer's statement of origin submitted in support of the title application, the dealer, provided that as an alternative to a handwritten signature, the commissioner may authorize use of a digital signature ~~as~~ so long as appropriate security measures are implemented which assure security and verification of the digital signature process, in accordance with regulations promulgated by the commissioner. The dealer shall ~~promptly~~ mail, ~~or~~ deliver, or electronically submit the application to ~~the commissioner or the county tag agent of the county in which the seller is located, of the county in which the sale takes place, of~~ the county tag agent where the vehicle will be registered ~~in which the vehicle is delivered, or of the county wherein the vehicle owner resides so as to have the application submitted to the commissioner or such authorized county tag agent~~ within 30 days from the date of the sale of the vehicle. If the application is not submitted within that time, the dealer, or in nondealer sales the transferee, shall be required to pay a penalty of $10.00 in addition to the ordinary title fee paid by the transferee provided for in this chapter. If the documents submitted in support of the title application are rejected, the dealer submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the ~~commissioner or~~ authorized county tag agent for the issuance of a certificate of title. Should the documents not be properly resubmitted within 60 days, there shall be an additional penalty of $10.00 assessed against the dealer. The willful failure of a dealer to obtain a certificate of title for a purchaser shall be grounds for suspension or revocation of the dealer's state issued license and registration for the sale of motor vehicles.

(c)(1) If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

(A) Any certificate of title issued by the other state or country; and

(B) Any other information and documents the ~~commissioner or~~ authorized county tag agent reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it and liens against it.

(2) If the application refers to a vehicle last previously registered in another state and if the applicant is the last previously registered owner in such state, the application need not contain the name and address of the person from whom the vehicle was acquired."

SECTION 7.

Said title is further amended by revising subsection (b) of Code Section 40-3-32, relating to the transfer of vehicles, as follows:

"(b) Except as provided in Code Section 40-3-33, the transferee, promptly after delivery to him or her of the vehicle and certificate of title, shall execute the application for a new certificate of title on the form the commissioner prescribes and cause the application and the certificate of title to be mailed or delivered to the ~~commissioner or his appropriate~~ authorized county tag agent in the county where the vehicle will be registered together with the application for change of registration for the vehicle, so that the title application shall be received within 30 days from the date of the transfer of the vehicle. If the title application is not received within that time, the owner shall be required to pay a penalty of $10.00 in addition to the ordinary title fee provided for by this chapter. If the documents submitted in support of the title application are rejected, the party submitting the documents shall have 60 days from the date of initial rejection to resubmit the documents required by the ~~commissioner~~ authorized county tag agent for the issuance of title. If the documents are not properly resubmitted within 60 days, there shall be an additional $10.00 penalty assessed, and the owner of the vehicle shall be required to remove immediately the license plate of the vehicle and return same to the ~~commissioner~~ authorized county tag agent. The license plate shall be deemed to have expired at 12:00 Midnight of the sixtieth day following the initial rejection of the documents, if the documents have not been resubmitted as required under this subsection."

SECTION 8.

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

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

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

N Abrams	Y Coomer	N Gregory	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Hamilton	N McClain	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	Y Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	N Henson	N Mosby	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Y Stephens, R
N Bell	Y Douglas	Y Hitchens	Y Nix	Stephenson
N Bennett	Y Drenner	N Holcomb	Y 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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	N Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	N Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D

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

On the passage of the Bill, by substitute, the ayes were 132, nays 41.

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

HB 707. By Representatives Spencer of the 180th, Stover of the 71st, Turner of the 21st, Caldwell of the 20th, Cooke of the 18th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 31 of the O.C.G.A., relating to general provisions regarding health, to the state or any political subdivision, from engaging in an activity that aids in the enforcement of the federal Patient Protection and Affordable Care Act of 2010; to endow the Attorney General with authority to bring suit to enjoin violations of such prohibition and issue advisory rulings; to provide that neither the State of Georgia nor any of its political subdivisions shall establish a health care exchange; to provide that no agency, department, or other state entity shall authorize any person acting on behalf of such agency, department, or entity to undertake any action under the aegis of Section 2951 of the federal Patient Protection and Affordable Care Act of 2010; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, so as to enact the "Georgia Health Care Freedom

Act"; to provide a short title; to provide that neither the state nor any department, agency, bureau, authority, office, or other unit of the state nor any political subdivision of the state shall expend or use moneys, human resources, or assets of the State of Georgia to advocate or influence the citizens of this state in support of the voluntary expansion by the state of eligibility for medical assistance under the provisions of 42 U.S.C. 1396(a), Section 1902 of the federal Social Security Act, as amended; to provide for enforcement; to provide for applicability; to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to provide that no department, agency, instrumentality, or political subdivision of this state shall establish any program; promulgate any rule, policy, guideline, or plan; or change any program, rule, policy, or guideline to implement, establish, create, administer, or otherwise operate an exchange, or apply for, accept, or expend federal moneys related to the creation, implementation, or operation of an exchange; to provide for an exception; to prohibit the state and its departments, agencies, bureaus, authorities, offices, or other units of the state and its political subdivisions from providing navigator programs; to prohibit the Commissioner of Insurance from enforcing or investigating any health care insurance related provision of the federal Patient Protection and Affordable Care Act of 2010; to provide for applicability; 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.

This Act shall be known and may be cited as the "Georgia Health Care Freedom Act."

SECTION 2.

Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, is amended by adding a new article to read as follows:

"ARTICLE 3

31-1-40.

(a) Neither the state nor any department, agency, bureau, authority, office, or other unit of the state nor any political subdivision of the state shall expend or use moneys, human resources, or assets to advocate or influence the citizens of this state in support of the voluntary expansion by the State of Georgia of eligibility for medical assistance under the provisions of 42 U.S.C. 1396(a), Section 1902 of the federal Social Security Act, as amended.

(b) The Attorney General shall enforce the provisions of this Code section in accordance with Article V, Section III, Paragraph IV of the Constitution of the State of Georgia.

(c) Nothing in this Code section shall be construed to prevent an employee of the State of Georgia or any department, agency, bureau, authority, office, or other unit thereof or

any employee of a political subdivision of this state from advocating or attempting to influence public policy on such employee's personal time without using state resources."

SECTION 3.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by adding new Code sections to read as follows:

"33-1-23.

(a) As used in this Code section, the term 'exchange' shall have the same meaning provided for in paragraph (1) of Code Section 33-23-201.

(b) No department, agency, instrumentality, or political subdivision of this state shall:

(1) Establish any program; promulgate any rule, policy, guideline, or plan; or change any program, rule, policy, or guideline to implement, establish, create, administer, or otherwise operate an exchange; or

(2) Apply for, accept, or expend federal moneys related to the creation, implementation, or operation of an exchange.

(c) Nothing in this Code section shall apply to the Commissioner of Insurance in the implementation or enforcement of the provisions of Article 3 of Chapter 23 of this title.

(d) Neither the state nor any department, agency, bureau, authority, office, or other unit of the state, including the University System of Georgia and its member institutions, nor any political subdivision of the state shall establish, create, implement, or operate a navigator program as defined in Code Section 33-23-201.

33-1-24.

The Commissioner of Insurance is prohibited from enforcing or investigating any health care insurance related provision of the federal Patient Protection and Affordable Care Act of 2010. Nothing in this Code section shall be construed to apply to the regulation of rates or rate filings, investigations, administrative or judicial proceedings, or any other duty or responsibility arising under state or local law regarding health care insurers by the Commissioner of Insurance."

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.

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

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

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

On the passage of the Bill, by substitute, the ayes were 115, nays 59.

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

House of Representatives
Coverdell Legislative Office Building
Room 411
Atlanta, GA 30334

MEMORANDUM

To: Bill Reilly
Clerk of the Georgia House of Representatives

RE: Prohibiting the Commissioner of Insurance from investigating or enforcing any alleged violation of federal health insurance requirements mandated by Obamacare (HB 707, LC 29 5981S)

Summary and Conclusion

The United States Supreme Court has clearly held that constitutionally protected state sovereignty prohibits the federal government from commandeering the machinery of state government to enforce federal law. Under Georgia law, the Commissioner of Insurance enforces *state* health insurance requirements and investigates alleged violations of *state* health insurance laws. The amendment to HB 707 that passed the House Judiciary Committee on February 24, 2014, would prevent the federal government from commandeering the investigation or enforcement machinery of the Commissioner of Insurance to enforce or to investigate alleged violations of the *federal* health insurance mandates of Obamacare. They include, but are not limited to, prohibiting a denial of insurance for pre-existing conditions, requiring dependent coverage for children up to age 26, or proscribing lifetime or yearly dollar limits on coverage of essential health benefits. Disputes over these mandates arise under *federal*, not state law. The federal Department of Health and Human Services can be expected to seek to commandeer the machinery of Georgia's Commissioner of Insurance to enforce them or to investigate alleged violations because at present there is no federal health insurance agency and Congress is not likely to create one given the substantial opposition to Obamacare. The amendment's anti-commandeering protection of the Commissioner of Insurance from the burdens of administering or enforcing the health insurance dictates of Obamacare is constitutionally justified by the state sovereignty precedents of the Supreme Court.

Analysis

The United States Supreme court held unconstitutional in *Prinz v. United States*, 521 U.S. 898 (1997) a provision of the Brady Handgun Violence Prevention Act that commanded state and local law enforcement officers to enforce federally prescribed limits on gun purchases. Associate Justice Antonin Scalia, writing for the Court, explained: "The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case by case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty." It is the President of the United States

through officers he appoints with the advice and consent of the Senate who are constitutionally responsible for taking care that federal laws like Obamacare are faithfully executed.

The *Prinz* rationale was no aberration. It followed seamlessly from the teaching of the Supreme Court in *New York v. United States,* 505 U.S. 144 (1992) that "The Federal Government may not compel the State to enact or administer a federal regulatory program." Indeed, the *Prinz* ruling is more unassailable than the decision in *NFIB v. Sebelius,* 567 U.S.___ (2012) upholding the constitutionality of Obamacare as a "tax," not as a valid regulation of interstate commerce. Six Justices joined the *Printiz* majority, whereas the *NFIB* ruling attracted but five Justices. No decision post-dating *Prinz* undermines its anti-commandeering doctrine.

In sum, it would be frivolous to argue that Georgia is constitutionally prohibited from preventing the Commissioner of Insurance, a state executive officer presiding over a state executive agency, from administering or enforcing the federal health insurance mandates of Obamacare. Moreover, a federal-state division of enforcement authority is the norm in cases of concurrent jurisdiction between the federal and state governments. Federal antitrust laws, for instance, are enforced by the U.S. Department of Justice or Federal Trade Commission, not by the Attorney General of Georgia. Conversely, Georgia's state antitrust laws are enforced by the Attorney General and Georgia, and not by the U.S. Department of Justice or Federal Trade Commission. Similarly, federal securities laws are enforced by the federal Securities and Exchange Commission, whereas Georgia's corresponding Blue Sky Law is enforced by Georgia's Office of the Secretary of State.

Finally, the messenger of bad news characteristically incurs the wrath of the recipients. The State of Georgia cannot constitutionally be compelled to become complicit in delivering the bad news of Obamacare to its citizens by administering or enforcing its ill-conceived mandates.

Mr. Clerk, please place this summation and analysis regarding HB 707 into the official House Journal for reference and posterity.

Respectfully Submitted,

/s/ Jason Spencer 180th
Rep. Jason Spencer

House of Representatives
Coverdell Legislative Office Building
Room 411
Atlanta, GA 30334

March 3, 2014

To: Mr. Bill Reilly
Clerk of the Georgia House of Representatives

Re: Response to Minority Report on HB 707
Journal Entry

The Minority Report errs in asserting that HB 707's prohibition on the federal government's commandeering Georgia's Commissioner of Insurance to enforce or administer the federally prescribed health insurance provisions of Obamacare is constitutionally dubious and would invite costly litigation. To the contrary, the Constitution's anti-commandeering principle promulgated by a 6-3 majority of the United State Supreme Court in *Prinz v. United States* (1997) is as incontrovertible as the non-discrimination principle of *Brown v. Board of Education* (1954). The controlling language of the Supreme Court is categorical and unambiguous:

"The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case by case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty."

The Minority Report correctly observes that the federal government is constitutionally empowered to regulate interstate commerce. But Georgia's Commissioner of Insurance is not engaged in interstate commerce. Further, the Supreme Court held in *NFIB v. Sebelius* (2012) that the congressional power to regulate interstate commerce did not authorize the enactment of Obamacare. It was sustained under the taxing power of the federal government.

In sum, the litigation worries of the Minority Report over HB 707 are contrived. If that threshold of risk aversion was the norm, virtually no legislation would ever be enacted – including Obamacare, itself which survived by a single vote in the United States Supreme Court.

Mr. Clerk, please place my response to the minority report on HB 707 into the official Journal for reference and posterity.

Respectfully Submitted,

/s/ Jason C. Spencer 180th
Rep. Jason Spencer

House of Representatives
Coverdell Legislative Office Building
Room 411
Atlanta, GA 30334

March 3, 2014

To: Bill Reilly
Clerk of the Georgia House of Representatives

Re: Free Speech and HB 707

Dear Mr. Clerk,

In Pickering v. Board of Education, 391 U.S. 563 (1968), the Court held that government may restrict the private speech of government employees that may impede proper performance of their official duties or interfere with the regular operations of their government employers.

In Rust v. Sullivan, 500 U.S. 173 (1991), the Court declared: "The Government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternative program which seeks to deal with the problem in another way." The Rust precedent established the government speech doctrine, i.e., when the government speaks through its officers or agencies, it is not subject to First Amendment limitations.

Accordingly, HB 707 may constitutionally prohibit any state or local officer from advocating in support of Obamacare in any of its moods and tenses when speaking in their official capacities contrary to the public policy of Georgia of opposition without violating the First Amendment. Further, a statement by a state or local officer even speaking in their private capacities in support of Obamacare arguably would interfere with the regular operations of the Government of Georgia or its political subdivisions which would be adverse to Obamacare. But HB 707 stops short of that First Amendment edge. It permits government officials to champion Obamacare during non-government hours and with non-government resources.

In sum, HB 707 does more that the constitution requires in protecting the First Amendment rights of government officers or employees. Please place this summation regarding HB 707 in the official House Journal for reference and posterity.

Respectfully Submitted,

/s/ Jason C. Spencer 180th
Rep. Jason Spencer

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

Mr. Speaker:

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

SB 318. By Senators Jackson of the 2nd, Harbison of the 15th, Davenport of the 44th, Henson of the 41st and Sims of the 12th:

A BILL to be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for local authorization and regulation of the sale of alcoholic beverages for consumption on the premises on Sundays during the celebration of St. Patrick's Day and other spirited holidays; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 384. By Senators Millar of the 40th, Ligon, Jr. of the 3rd and Miller of the 49th:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and curriculum relative to education, so as to require a course of study in America's founding philosophy and founding principles; to provide for legislative findings; to provide for a short title; to require certain course content; to require a passing score for graduation; to require state-wide assessments to include certain content; to provide for a biennial report; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 922. By Representatives Harbin of the 122nd, Peake of the 141st, Sims of the 123rd, Stephens of the 164th and Howard of the 124th:

A BILL to be entitled an Act to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income for Georgia income tax purposes, so as to provide a limited deduction for certain medical core clerkships; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income for Georgia income tax purposes, so as to provide a limited deduction for certain medical core clerkships; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income for Georgia income tax purposes, is amended by adding a new paragraph to subsection (a) to read as follows:

"(13.2)(A) An amount equal to $1,000.00 for any physician who served as the community based faculty physician for a medical core clerkship provided by community based faculty.

(B) An amount equal to $1,000.00 for any physician who served as the community based faculty physician for a physician assistant core clerkship provided by community based faculty.

(C) An amount equal to $1,000.00 for any physician who served as the community based faculty physician for a nurse practitioner core clerkship provided by community based faculty.

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

(i) 'Community based faculty physician' means a noncompensated physician who provides a minimum of three and a maximum of ten clerkships within a calendar year.

(ii) 'Medical core clerkship,' 'physician assistant core clerkship,' or 'nurse practitioner core clerkship' means a clerkship for a student who is enrolled in a Georgia medical school, a Georgia physician assistant school, or a Georgia nurse

practitioner school and who completes a minimum of 160 hours of community based instruction in family medicine, internal medicine, pediatrics, obstetrics and gynecology, emergency medicine, psychiatry, or general surgery under the guidance of a community based faculty physician.

(E) The state-wide Area Health Education Centers Program Office at Georgia Regents University shall administer the program and certify rotations for the department;"

SECTION 2.

This Act shall become effective on July 1, 2014, and shall apply to all taxable years beginning on or after January 1, 2014.

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	N Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson

Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
N Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
Y Clark, J	Y Golick	Marin	Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 171, nays 3.

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

HR 1573. By Representative Roberts of the 155th:

A RESOLUTION creating the Joint Study Committee on Critical Transportation Infrastructure Funding; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the Joint Study Committee on Critical Transportation Infrastructure Funding; and for other purposes.

WHEREAS, transportation is a critical component of Georgia's economic competitiveness as a state; and

WHEREAS, Georgia is home to 15 *Fortune* 500 companies for whom transportation infrastructure is a critical component; and

WHEREAS, Georgia is home to the world's busiest airport, fastest growing seaport, ninth largest transit system, third largest freight rail network in the United States, and 6.5 million drivers who travel 108.5 billion miles each year; and

WHEREAS, Georgia's elected leadership has demonstrated excellent resourcefulness and productivity with current resource levels by utilizing innovative finance and project delivery mechanisms; and

WHEREAS, transportation is a critical resource in providing high quality of life for the residents of Georgia; and

WHEREAS, transportation is essential to commerce and the provision of goods and services to the people across this state, to getting Georgia's citizens to the workplace and

medical and educational facilities, to the tourism industry, to the freight and logistics industry, and to every facet of the lives of Georgia's citizens; and

WHEREAS, the federal government has demonstrated an increasing inability to deliver a consistent, predictable transportation funding environment; and

WHEREAS, Georgia's growth rate is twice the national average; and

WHEREAS, Georgia's transportation investment per capita is less than most of her regional neighbors; and

WHEREAS, traffic congestion in Georgia is projected to increase by 25 percent in the next seven years; and

WHEREAS, Georgia's transportation leadership has predicted that current funding levels can, at best, cover 50 percent of our greatest needs; and

WHEREAS, new sources and methods of funding transportation projects are needed to allow the transportation systems in Georgia to keep up with the needs of the population; and

WHEREAS, the General Assembly needs to study these issues to determine alternative funding mechanisms for transportation projects and special funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that there is created the Joint Study Committee on Critical Transportation Infrastructure Funding to be composed of 17 members as follows:

(1) The chairperson of the House Committee on Transportation;

(2) The chairperson of the Senate Transportation Committee;

(3) Three representatives, one of whom shall be from the minority party and one of whom shall be from a location outside an area served by the commission established under Article 2 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, and one citizen member appointed by the Speaker of the House of Representatives;

(4) Three senators, one of whom shall be from the minority party, and one citizen member appointed by the President of the Senate;

(5) The president and chief executive officer of the Georgia Chamber of Commerce or his or her designee;

(6) The president and chief executive officer of the Metro-Atlanta Chamber of Commerce or his or her designee;

(7) The executive director of the Association County Commissioners of Georgia;

(8) The executive director of the Georgia Municipal Association;

(9) The executive director of the Georgia Centers of Innovation;

(10) The executive director of the Georgia Ports Authority; and

(11) The planning director of the Department of Transportation or his or her designee.

The chairperson of the House Committee on Transportation and the chairperson of the Senate Transportation Committee shall serve as co-chairpersons of the committee. The co-chairpersons shall call all meetings of the committee.

BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and make specific legislative recommendations for consideration in the next legislative session. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. Legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. The allowances authorized by this resolution shall not be received by any member of the committee for more than eight days unless additional days are authorized. The funds necessary to pay the allowances for members of the committee shall come from the funds appropriated to the House of Representatives and the Senate. The funds necessary to pay all other expenses incurred by the committee shall come from the private stakeholders serving on the committee. Those stakeholders are authorized and directed to provide the committee with such logistical, professional, and other support as the committee deems necessary to carry out the committee's duties under this resolution. The committee shall deliver legislative recommendations to the legislature by November 30, 2014, and shall stand abolished on December 1, 2014.

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	Coomer	N Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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
Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner

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

On the adoption of the Resolution, by substitute, the ayes were 170, nays 4.

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

HB 930. By Representatives Barr of the 103rd, Brockway of the 102nd, Clark of the 98th, Cooke of the 18th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the O.C.G.A., relating to general provisions regarding state government; to provide that the General Assembly shall adopt standards and instructions for Article V convention delegates; to provide for the revocation of a resolution calling for an Article V convention under certain circumstances; to prohibit certain votes by delegates and alternate delegates; to provide for penalties; to provide for an advisory group and its composition, powers, duties, and procedures; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding state government, so as to provide definitions; to provide for the method of selecting delegates and alternate delegates to an Article V convention; to provide for the qualifications of delegates and alternate delegates; to provide for the

recall of delegates and alternate delegates; to provide for oaths; to provide for expenses; to provide that the General Assembly shall adopt standards and instructions for Article V convention delegates; to provide for replacement of delegates by alternate delegates; to provide for the void of votes of delegates and alternate delegates under certain circumstances; to provide for the forfeiture of the appointment as a delegate or alternate delegate under certain circumstances; to provide for the revocation of a resolution calling for an Article V convention under certain circumstances; to prohibit certain votes by delegates and alternate delegates; to provide for penalties; to provide for an advisory group and its composition, powers, duties, and procedures; 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 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding state government, is amended by designating all of the existing text as Article 1 and adding a new article to read as follows:

"ARTICLE 2

50-1-30.

This article shall apply whenever a convention is called pursuant to Article V of the United States Constitution.

50-1-31.

As used in this article, the term:

(1) 'Advisory group' means the Article V convention delegate advisory group established by Code Section 50-1-38.

(2) 'Alternate delegate' means an individual appointed as an alternate delegate as provided by law.

(3) 'Article V convention' means a convention for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the United States.

(4) 'Chamber' means either the House of Representatives or the Senate.

(5) 'Delegate' means an individual appointed as provided by law to represent Georgia at an Article V convention.

(6) 'House of Representatives' means the House of Representatives of the Georgia General Assembly.

(7) 'Paired delegate' means the delegate with whom an alternate delegate is paired as provided by law.

(8) 'Senate' means the Senate of the Georgia General Assembly.

50-1-32.
(a) An individual shall satisfy the following to be appointed as a delegate to an Article V convention:
(1) The individual shall reside in Georgia;
(2) The individual shall be a registered elector of the State of Georgia;
(3) The individual shall be at least 18 years of age;
(4) The individual shall not be registered or required to be registered as a lobbyist under Article 4 of Chapter 5 of Title 21 or any rules and regulations adopted thereunder; and
(5) The individual shall not hold any federal office.
(b) An individual appointed as an alternate delegate shall have the same qualifications as a delegate as provided under subsection (a) of this Code section.
(c) Whenever an Article V convention is called, the General Assembly shall appoint the five delegates allocated to represent Georgia and an equal number of alternate delegates. If the General Assembly is not in session during the time during which delegates to an Article V convention shall be appointed, the Governor shall call the General Assembly into special session under Article V, Section II, Paragraph VII of the Constitution of Georgia for the purpose of appointing delegates and alternate delegates.
(d) To be appointed a delegate or an alternate delegate, an individual shall receive, in each chamber, the vote of a majority of all the members elected to that chamber. At the time of appointment, each alternate delegate shall be paired with a delegate as provided in a joint resolution adopted by the General Assembly.

50-1-33.
(a) At the time delegates and alternative delegates are appointed, the General Assembly shall adopt a joint resolution to provide instructions to the delegates and alternate delegates regarding the following:
(1) The rules of procedure; and
(2) Any other matter relating to the Article V convention that the General Assembly considers necessary.
(b) The General Assembly may amend the instructions at any time by joint resolution.

50-1-34.
An alternate delegate:
(1) Shall act in the place of the alternate delegate's paired delegate when the alternate delegate's paired delegate is absent from the Article V convention; and
(2) Replaces the alternate delegate's paired delegate if the alternate delegate's paired delegate vacates the office.

50-1-35.
The General Assembly may recall any delegate or alternate delegate and replace that delegate or alternate delegate with an individual appointed under this article at any time.

50-1-36.
The General Assembly shall appoint or recall delegates or alternate delegates by joint resolution.

50-1-37.
A vote cast by a delegate or an alternate delegate at an Article V convention that is outside of the scope of:
(1) The instructions established by a joint resolution adopted under Code Section 50-1-32; or
(2) The limits placed by the General Assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention
is void.

50-1-38.
(a) A delegate or alternate delegate who votes or attempts to vote outside of the scope of:
(1) The instructions established by a joint resolution adopted under Code Section 50-1-32; or
(2) The limits placed by the General Assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention
forfeits the delegate's appointment by virtue of that vote or attempt to vote.
(b) The paired alternate delegate of a delegate who forfeits his or her appointment under subsection (a) of this Code section shall become the delegate at the time the forfeiture of appointment occurs.

50-1-39.
The application of the General Assembly to call an Article V convention for proposing amendments to the Constitution of the United States ceases to be a continuing application and shall be treated as having no effect if all of the delegates and alternate delegates vote or attempt to vote outside of the scope of:
(1) The instructions established by a joint resolution adopted under Code Section 50-1-22; or
(2) The limits placed by the General Assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

50-1-40.
(a) A delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside of the scope of:
(1) The instructions established by a joint resolution adopted under Code Section 50-1-32; or
(2) The limits placed by the General Assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention
shall be guilty of a misdemeanor and, upon conviction thereof, may be punished by imprisonment for not more than one year or a fine not to exceed $1,000.00, or both.
(b) Venue of prosecutions under this Code section shall be in the county of the defendant's residence.
(c) The Attorney General and the appropriate district attorney are authorized to prosecute violations of this Code section.

50-1-41.
A delegate or alternate delegate shall be entitled to receive the same mileage and travel expenses paid to legislative members of interim study committees, but shall not be entitled to a salary or per diem for service as a delegate or alternate delegate. All funds necessary to pay expenses under this Code section shall be paid from funds appropriated to the General Assembly.

50-1-42.
Each delegate and alternate delegate shall, after appointment and before the delegate or alternate delegate shall exercise any function as a delegate or alternate delegate, execute an oath in writing that the delegate or alternate delegate shall:
(1) Support the Constitution of the United States and the Constitution of Georgia;
(2) Faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the General Assembly and as may be amended by the General Assembly at any time; and
(3) Otherwise faithfully discharge the duties of delegate or alternate delegate.
The executed oath shall be filed with the Secretary of State. After the oath is filed with the Secretary of State, the Governor shall issue a commission to the delegate or alternate delegate.

50-1-43.
(a) The Article V convention delegate advisory group is established. The advisory group shall consist of the Chief Justice of the Supreme Court of Georgia, the Chief Judge of the Court of Appeals of Georgia, and the chief judge of the Superior Court of Fulton County. The Chief Justice of the Supreme Court of Georgia shall be the chairperson of the advisory group. The advisory group shall meet upon the call of the

chairperson. The advisory group shall establish policies and procedures that the advisory group determines necessary to carry out their duties under this Code section.

(b) Upon the request of a delegate or alternate delegate, the advisory group shall advise the delegate or alternate delegate whether there is reason to believe that an action or an attempt to take an action by a delegate or alternate delegate would:

(1) Violate the instructions established by a joint resolution adopted under Code Section 50-1-32; or

(2) Exceed the limits placed by the General Assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(c) The advisory group may render an advisory determination under this Code section in any summary manner considered appropriate by the advisory group.

(d) The advisory group shall render an advisory determination under subsection (b) of this Code section within 24 hours after receiving a request for a determination. The advisory group shall transmit a copy of an advisory determination under this Code section in the most expeditious manner possible to the delegate or alternate delegate who requested the advisory determination.

(e) If the advisory group renders an advisory determination under this Code section, the advisory group may also take an action permitted under subsection (f) of this Code section.

(f)(1) On its own motion or upon request of the Speaker of the House of Representatives, President Pro Tempore of the Senate, or the Attorney General, the advisory group shall advise the Attorney General whether there is reason to believe that a vote or attempt to vote by a delegate or alternate delegate has:

(A) Violated the instructions established by a joint resolution adopted under Code Section 50-1-32; or

(B) Exceeded the limits placed by the General Assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(2) The advisory group shall issue the advisory determination under this subsection by one of the following summary procedures:

(A) Without notice or an evidentiary proceeding; or

(B) After a hearing conducted by the advisory group.

(3) The advisory group shall render an advisory determination under this subsection within 24 hours after receiving a request for an advisory determination.

(4) The advisory group shall transmit a copy of an advisory determination under this subsection in the most expeditious manner possible to the Attorney General.

(5) Immediately upon receipt of an advisory determination under this subsection that finds a vote or attempt to vote by a delegate or alternate delegate is a violation described in subparagraph (f)(1)(A) of this Code section or is in excess of the authority of the delegate or alternate delegate as described in subparagraph (f)(1)(B)

of this Code section, the Attorney General shall inform the delegates, alternate delegates, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Article V convention that:

(A) The vote or attempt to vote did not comply with Georgia law, is void, and has no effect; and

(B) The credentials of the delegate or alternate delegate who is the subject of the determination are revoked."

SECTION 2.

This Act shall become effective on January 1, 2015.

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:

N Abrams	Y Coomer	N Gregory	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Hamilton	N McClain	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	N Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	N Henson	N Mosby	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	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	Y 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	Tanner
Y Broadrick	Y Efstration	N Jackson	Y Pezold	Y Tarvin
Y Brockway	N Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
N Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
N Bruce	N Epps, C	Y Jones, J	N Prince	Y Teasley
N Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
N Buckner	N Evans	N Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	N Jordan	Y Ramsey	N Waites
Y Caldwell, J	N Floyd	N Kaiser	N Randall	Y Watson, B
Y Caldwell, M	N Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Y Welch
Y Carter	N Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	N Wilkerson
Y Chandler	N Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard

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

On the passage of the Bill, by substitute, the ayes were 115, nays 62.

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

HB 914. By Representatives Wilkerson of the 38th, Chandler of the 105th, Oliver of the 82nd, Welch of the 110th and Evans of the 42nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, so as to provide that school personnel who are required to report child abuse shall be notified by the department or governmental child protective agency upon receipt of such report and upon completion of its investigation; 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 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, so as to provide that certain school personnel who are required to report child abuse shall be notified by the department or governmental child protective agency upon receipt of such report and upon completion of its investigation; 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 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, is amended by revising subsection (a) of Code Section 49-5-41, relating to persons and agencies permitted access to records, by adding a new paragraph to read as follows:

"(5.1) Within 24 hours of a school employee making a report of suspected child abuse pursuant to Code Section 19-7-5, the department or governmental child

protective agency that received such report shall acknowledge, in writing, the receipt of such report to the reporting individual. Within five days of completing the investigation of the suspected child abuse, the department or governmental child protective agency shall disclose, in writing, to the school counselor for the school such child was attending at the time of the reported child abuse, advising as to whether the suspected child abuse was confirmed or unconfirmed. If a school does not have a school counselor, such disclosure shall be made to the principal;"

SECTION 2

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

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

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

Y Abrams	Y Coomer	Y Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Y Jones, J	Y Prince	Y Teasley
Y Bryant	Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
Y Clark, J	Y Golick	Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson

Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 174, nays 0.

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

HB 845. By Representatives Strickland of the 111th, Powell of the 171st, Rutledge of the 109th, Bruce of the 61st, Pruett of the 149th and others:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, so as to prohibit the disclosure of arrest booking photographs except under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 35 and Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies and when public disclosure is not required, respectively, so as to prohibit the disclosure of arrest booking photographs under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, is amended by adding a new Code section to read as follows:

"35-1-18.

(a) As used in this Code section, the term 'booking photograph' means a photograph or image of an individual taken by an arresting law enforcement agency for the purpose of identification or taken when such individual was processed into a jail.

(b) Except as provided in Code Section 50-18-77, and booking photographs required for publication as set forth in Titles 16 and 40 and for the State Sexual Offender Registry, an arresting law enforcement agency or agent thereof shall not post booking photographs to or on a website.

(c) An arresting law enforcement agency shall not provide or make available a copy of a booking photograph in any format to a person requesting such photograph if:

(1) Such booking photograph may be placed in a publication or posted to a website or transferred to a person to be placed in a publication or posted to a website; and

(2) Removal or deletion of such booking photograph from such publication or website requires the payment of a fee or other consideration.

(d) When a person requests a booking photograph, he or she shall submit a statement affirming that the use of such photograph is in compliance with subsection (c) of this Code section. Any person who knowingly makes a false statement in requesting a booking photograph shall be guilty of a violation of Code Section 16-10-20."

SECTION 2.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, is amended by revising paragraph (4) of subsection (a) as follows:

"(4) Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving such investigation and prosecution has become final or otherwise terminated; and provided, further, that this paragraph shall not apply to records in the possession of an agency that is the subject of the pending investigation or prosecution; and provided, further, that the release of booking photographs shall only be permissible in accordance with Code Section 35-1-18;"

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 Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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 Beverly
Y Black
Y Braddock
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Carson
Y Carter
Y Casas
Y Chandler
Y Channell
Y Chapman
Y Cheokas
Y Clark, J
Y Clark, V
Coleman
Y Cooke
Y Dukes
Y Dunahoo
Y Duncan
Y Dutton
Y Efstration
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
E Fullerton
Y Gardner
Y Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Holt
Y Houston
Y Howard
Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Lindsey
Y Lumsden
Y Mabra
Marin
Y Martin
Y Maxwell
Y Mayo
Y Pak
Y Parrish
Y Parsons
Peake
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims, B
Y Strickland
Y Talton
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Turner
Y Waites
Y Watson, B
Y Watson, S
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 171, nays 0.

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

HB 257. By Representative Martin of the 49th:

A BILL to be entitled an Act to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to change certain definitions regarding such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-7-40.16 of the Official Code of Georgia Annotated, relating to state income tax credits for low-emission vehicles, so as to reduce to zero the amount of such credit; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-40.16 of the Official Code of Georgia Annotated, relating to state income tax credits for low-emission vehicles, is amended by revising subsection (b) as follows:

"(b)(1) A tax credit is allowed against the tax imposed under this article to a taxpayer for the purchase or lease of a new low-emission vehicle or zero emission vehicle that is registered in the State of Georgia. The amount of the credit shall be:

~~(1)~~(A) For any new low-emission vehicle, 10 percent of the cost of such vehicle or $2,500.00, whichever is less; and

~~(2)~~(B) For any new zero emission vehicle, 20 percent of the cost of such vehicle or $5,000.00, whichever is less.

(2) For any new low-emission vehicle or zero emission vehicle purchased on or after April 1, 2014, the amount of the credit shall be $0.00."

SECTION 2.

This Act shall become effective upon its approval by the Governor or April 1, 2014, whichever is earliest.

SECTION 3.

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

The following amendment was read and adopted:

Representatives Setzler of the 35th, Rice of the 95th, and Channell of the 120th offer the following amendment:

Amend the substitute to HB 257 (LC 34 4194S) by deleting lines 19 and 20 and inserting in lieu thereof the following:

This Act shall become effective on July 1, 2014.

The Committee substitute, as amended, was adopted.

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

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

N Abrams	Y Coomer	Y Gregory	Y McCall	N Sims, C
N Alexander	Cooper	Y Hamilton	N McClain	N Smith, E
Y Allison	N Dawkins-Haigler	N Harbin	Y Meadows	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
N Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	Morgan	Y Smyre

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

On the passage of the Bill, by substitute, as amended, the ayes were 104, nays 64.

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

The following Bill of the House, having previously been read, was again taken up for consideration:

HB 153. By Representatives Carson of the 46th, Golick of the 40th, Stephens of the 164th, Dudgeon of the 25th, Riley of the 50th and others:

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

The Committee substitute was previously read and adopted.

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

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

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

On the passage of the Bill, by substitute, the ayes were 97, nays 75.

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

The Speaker Pro Tem assumed the Chair.

HB 580. By Representatives Weldon of the 3rd, Maxwell of the 17th and Battles of the 15th:

A BILL to be entitled an Act to amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility and application for retirement benefits under the Superior Court Clerks' Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, so as to provide for a spousal survivor's benefit; to provide for an actuarially reduced member's benefit; to provide for an increase in benefits in the event of the death of the spouse or entry of an order of divorce; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	N Gregory	Y McCall	Y Sims, C
Y Alexander	Cooper	Y Hamilton	Y McClain	Y Smith, E
Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C

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

On the passage of the Bill, the ayes were 169, nays 2.

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

HB 982. By Representative Williamson of the 115th:

A BILL to be entitled an Act to amend Chapter 1 of Title 7 of the O.C.G.A., relating to financial institutions, so as to repeal Article 4, relating to the sale of checks or money orders, and Article 4A, relating to the cashing of checks, drafts, or money orders for consideration, and to enact new Articles 4 and 4A; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to repeal Article 4, relating to the sale of checks or money orders, and Article 4A, relating to the cashing of checks, drafts, or money orders for consideration, and to enact new Articles 4 and 4A; to provide for definitions; to provide for authorized activities; to provide for the transaction of business without a license; to provide for exemptions from licensure requirements; to provide for application for license for the sale of payment instruments or the transmission of money; to provide for application for license for cashing payment instruments; to provide for the treatment of mobile payment instrument cashing facilities; to provide for authorized agents to act on behalf of licensees; to provide for bond requirements; to provide for participation in a uniform multistate automated licensing system by the Department of Banking and Finance to facilitate oversight and issuance of licences; to provide for investigation of license applicants by the department; to provide for reporting requirements; to provide for the requirement of a unique identifier; to provide for renewal of licenses; to provide for the transferring of licenses; to provide for notice to the department by licensees in certain instances; to provide for maintenance of books and records by a licensee; to provide for exemptions from civil liability; to provide for authority to enact rules and regulations; to prohibit certain acts; to provide for the power to suspend and revoke licenses; to provide for judicial review; to provide for enforcement procedures; to provide for cease and desist orders; to provide for civil penalties; to provide for criminal penalties; to provide for

construction of the article; to provide for a transition period; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, is amended by repealing Article 4, relating to the sale of checks or money orders, and enacting a new Article 4 to read as follows:

"ARTICLE 4

7-1-680.

As used in this article, the term:

(1) 'Authorized agent' means a person designated by a licensee pursuant to Code Section 7-1-683.1 to engage in money transmission, the sale of payment instruments, or the issuance of payment instruments.

(2) 'Check' means any check, money order, draft, or negotiable demand instrument.

(3) 'Closed-loop transaction' means a transaction where the value or credit is primarily intended to be redeemed for a limited universe of goods, intangibles, services, or other items provided by the issuer of the payment instrument, its affiliates or agents, or others involved in the transaction functionally related to the issuer or its affiliates or agents.

(4) 'Commissioner' means the commissioner of banking and finance.

(5) 'Control,' 'controlling,' 'controlled by,' or 'under common control with' means the direct or indirect possession of power to direct or cause the direction of the management and policies of a person.

(6) 'Covered employee' means any employee of a licensee or an authorized agent engaged in any function related to the selling of payment instruments or money transmission.

(7) 'Department' means the Department of Banking and Finance.

(8) 'Executive officer' means the chief executive officer, president, chief financial officer, chief operating officer, each vice president with responsibility involving policy-making functions for a significant aspect of a person's business, secretary, treasurer, or any other person performing similar managerial or supervisory functions with respect to any organization, whether incorporated or unincorporated.

(9) 'Individual' means a natural person.

(10) 'Licensee' means a person, including, but not limited to, a money transmitter and a payment instrument seller, duly licensed by the department pursuant to this article.

(11) 'Misrepresent' means to make a false statement of a substantive fact. The term may also mean to engage in any conduct which leads to a false belief which is material to the transaction.

(12) 'Monetary value' means a medium of exchange, whether or not redeemable in money.

(13) 'Money transmission,' 'transmit money,' or 'transmission of money' means engaging in the business of receiving money or monetary value for transmission or transmitting money or monetary value within the United States or to locations abroad by any and all means, including, but not limited to, an order, wire, facsimile, or electronic transfer. The term does not include closed-loop transactions.
(14) 'Money transmitter' means a person licensed under this article to transmit money. (15) 'Nation-wide Multistate Licensing System and Registry' means a licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of certain persons engaged in nondepository activities.
(16) 'Open-loop transaction' means a transaction using a payment instrument with stored value to redeem for goods or services at any location that accepts such payment instrument.
(17) 'Payment instrument' means any instrument, order, or device for the payment or transmission of money or monetary value, whether or not it is a negotiable instrument under the terms of Article 3 of Title 11, relating to negotiable instruments. The term includes, but is not limited to, checks, money orders, drafts, stored value cards, and open-loop transactions. The term does not include closed-loop transactions, credit card vouchers, letters of credit, or any instrument that is redeemable by the issuer only in specific goods or services of the issuer.
(18) 'Payment instrument holder' means a person that has purchased a payment instrument from a payment instrument seller or who has had monetary value transmitted by a money transmitter.
(19) 'Payment instrument issuer' or 'payment instrument seller' means a person licensed under this article to engage in the issuance or sales of payment instruments.
(20) 'Person' means any individual, sole proprietorship, corporation, limited liability company, partnership, trust, or any other group of individuals, however organized.
(21) 'Sale' and 'selling' mean the passing of title from the payment instrument seller or the payment instrument seller's agent to a payment instrument holder or remitter or an agreement to transfer money or monetary value.
(22) 'Sale of payment instruments,' 'selling of payment instruments,' or 'issuance of payment instruments' means the creation, issuance, or sale of a payment instrument that is redeemable in cash or monetary value.
(23) 'Signed' shall have the same meaning as provided in paragraph (39) of Code Section 11-1-201.
(24) 'Ultimate equitable owner' means a person that:

(A) Owns, directly or indirectly, a 10 percent or more interest in a corporation or any other form of business organization;
(B) Owns, directly or indirectly, 10 percent or more of the voting shares of any corporation or any other form of business organization; or
(C) Exerts control, directly or indirectly, over a corporation or any other form of business organization, regardless of whether such person owns or controls such interest through one or more natural persons or one or more proxies, powers of

attorney, nominees, corporations, associations, limited liability companies, partnerships, trusts, joint stock companies, other entities or devices, or any combination thereof.

(25) 'Unique identifier' means a number or other identifier assigned by protocols established by the Nation-wide Multistate Licensing System and Registry.

7-1-681.

(a) Pursuant to this article, the department may license a person to engage in the sale of payment instruments or the transmission of money.

(b) A license for the sale of payment instruments authorizes the licensee to sell payment instruments and to transmit money.

(c) A license for the transmission of money authorizes the licensee to transmit money.

(d) No person, regardless of the location of such person, its facilities, or its agents, shall engage in the sale of payment instruments or money transmission without having first obtained a license authorizing such activity under this article. This prohibition applies whether or not a person utilizes a branch, subsidiary, affiliate, or agent in this state. A person is deemed to be engaged in the sale of payment instruments or money transmission if the person advertises any of those services, provides any of those services with or without compensation, solicits to provide any of those services, or holds itself out as providing any of those services to or from this state, even if the person has no physical presence in this state.

(e) Every person that directly or indirectly controls another that violates subsection (d) of this Code section, including but not limited to each general partner, executive officer, joint venture, ultimate equitable owner, or director of such person, and every person occupying a similar status or performing similar functions as such person violates with and to the same extent as such person. Any person that directly or indirectly controls a person that violates subsection (d) of this Code section may avoid liability if such person sustains the burden of proof that the person did not know and, in the exercise of reasonable care, could not have known of the existence of the facts by reason of which the original violation is alleged to exist.

7-1-682.

The requirement for licensure set forth in this article shall not apply to:

(1) Any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured;

(2) Any authorized agent of a licensee;

(3) The United States Postal Service;

(4) A state or federal governmental department, agency, authority, or instrumentality and its authorized agents;

(5) Any foreign bank that establishes a federal branch pursuant to the International Bank Act, 12 U.S.C. Section 3102; or

(6) An individual employed by a licensee or any person exempted from the licensing requirements of this article when acting within the scope of employment and under

the supervision of the licensee or exempted person as an employee and not as an independent contractor.

7-1-683.

(a) Each applicant for a license under this article shall:

(1) Submit an application in writing, which is made under oath and in such form as the department may prescribe;

(2) Furnish to the Nation-wide Multistate Licensing System and Registry the following information:

(A) The legal name and principal office address of the person applying for the license; (B) The name, residence, and business address of each director, ultimate equitable owner, and executive officer;

(C) If the applicant has one or more branches or other locations, including but not limited to locations operated by an authorized agent, at or through which the applicant proposes to engage in the sale of payment instruments or money transmission within this state, the complete address of each such location; and

(D) The location where its initial registered office will be located in this state, if any; and

(3) Submit such other data, financial statements, and pertinent information as the department may require with respect to the applicant, its directors, trustees, officers, members, ultimate equitable owners, subsidiaries, affiliates, or agents.

(b) The application for license shall be filed together with:

(1) An investigation and supervision fee established by the department through rule or regulation which shall not be refundable but which, if the license is granted, shall satisfy the fee requirement for the first licensed year or the remaining part thereof;

(2) Items required by other provisions of this article, including but not limited to Code Sections 7-1-683.2 and 7-1-684; and

(3) Other information as may be required by the department.

(c) Where a person engages only in the sale of payment instruments issued by another person which is primarily obligated for payment of the payment instrument and the seller is a wholly owned subsidiary of or is wholly owned by the sole shareholder of the issuer, the department may grant a single license naming both the seller and issuer as joint licensees. In such cases, only a single license fee shall be collected and only one corporate surety bond, pursuant to Code Section 7-1-683.2, shall be required where such bond names both the seller and issuer.

(d) The department shall pay all fees received from licensees and applicants related to applications, licenses, and renewals to the Office of the State Treasurer; provided, however, that the department may net such fees to recover the cost of participation in the Nation-wide Multistate Licensing System and Registry.

(e) The department shall enact rules and regulations regarding the time frame by which all persons must submit an original or renewal application for licensure through the Nation-wide Multistate Licensing System and Registry.

7-1-683.1.

(a) As authorized by this Code section, a licensee may conduct its business through designated authorized agents at one or more locations in this state, so long as such locations have been included in the licensee's application and reports as required by Code Section 7-1-683 and subsection (d) of Code Section 7-1-686. The department may refuse within 30 days after application, for cause, to approve a licensee's designation of an authorized agent. In such cases the authorized agent shall have the same procedural rights as are provided in this article for the denial of an application for a license. No additional license other than that obtained by the licensee shall be required of any authorized agent of a licensee. An authorized agent of a licensee shall sell payment instruments or transmit money only at the location designated in the written notice provided to the department.

(b) Licensees desiring to conduct licensed activities through authorized agents shall enter into a written contract with the authorized agent. The contract shall authorize the agent to operate only pursuant to the terms of the contract and shall specifically designate the authorized activities that the agent may engage in on behalf of the licensee. Upon request of the department, a licensee shall provide the department with a copy of the executed written contract between the licensee and its authorized agent.

(c) Upon the department receiving written notice from the licensee designating an authorized agent, the authorized agent shall be:

(1) Required to operate in full compliance with this article, the rules and regulations promulgated under this article, and any applicable order issued by the commissioner;

(2) Required to timely remit all money legally due to the licensee in accordance with the terms of the written contract between the licensee and the authorized agent;

(3) Prohibited from utilizing subagents to carry out its responsibilities;

(4) Subject to examination and investigation by the department as set forth in this article, including, but not limited to, the requirements of Code Section 7-1-689;

(5) Subject to administrative actions, including, but not limited, the revocation or suspension of its authorization to act as an authorized agent, a cease and desist order, and the imposition of fines; and

(6) Required to comply with applicable state and federal law.

7-1-683.2.

(a) An applicant shall provide with its application a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state and approved by the department. The bond for payment instrument sellers shall be in the principal sum of $250,000.00. The bond for money transmitters shall be in the principal sum of $100,000.00.

(b) Notwithstanding subsection (a) of this Code section, the department may require an applicant or a licensee to provide additional coverage for the adequate protection of payment instrument holders if the average daily outstanding balances for payment instrument sellers exceed the current bond amount, the average daily outstanding orders to transmit not yet paid for money transmitters exceed the current bond amount, or the

department determines that additional coverage is necessary in order to satisfy the department that the provisions of subsection (a) of Code Section 7-1-684 are fulfilled. A licensee's level of outstandings shall be determined by the portion of the licensee's financial reports dealing with transactions originating in Georgia which shall be submitted to the department as set forth in its rules and regulations. However, under no circumstances shall the additional bond coverage required by the department exceed $2,000,000.00.

(c) The bond shall be in a form satisfactory to the department and shall run to the State of Georgia for the benefit of the department or any payment instrument holders against the licensee or its agents. The condition of the bond shall require the licensee to pay any and all moneys for the benefit of any person damaged by noncompliance of a licensee or its agent with this article, with the rules and regulations enacted pursuant to this article, or with any condition of the bond or to pay any and all moneys that may become due and owing any creditor of or claimant against the licensee arising out of the licensee's sale of payment instruments or money transmission in this state, whether through its own acts or the acts of an agent. Damage payments due under the bond include moneys owed to the department for fees, fines, or penalties. In no event shall the aggregate liability of the surety exceed the principal sum of the face amount of the bond. Claimants against the licensee may bring an action directly on the surety bond.

7-1-683.3.

(a) The department is authorized to:

(1) Participate in the Nation-wide Multistate Licensing System and Registry in order to facilitate the sharing of information and standardization of the licensing and application processes for persons subject to this article;

(2) Enter into operating agreements, information sharing agreements, interstate cooperative agreements, and other contracts necessary for the department's participation in the Nation-wide Multistate Licensing System and Registry;

(3) Disclose or cause to be disclosed without liability, via the Nation-wide Multistate Licensing System and Registry, applicant and licensee information, including, but not limited to, violations of this article and enforcement actions, to facilitate regulatory oversight across state jurisdictional lines;

(4) Request that the Nation-wide Multistate Licensing System and Registry adopt an appropriate privacy, data security, and security breach notification policy that is in full compliance with existing state and federal law; and

(5) Establish and adopt, by rule or regulation, requirements for participation by applicants and licensees in the Nation-wide Multistate Licensing System and Registry upon the department's determination that each requirement is consistent with both the public interest and the purposes of this article.

(b) The department shall enact rules and regulations establishing a process whereby licensees may challenge information entered by the department on the Nation-wide Multistate Licensing System and Registry.

(c) Irrespective of its participation in the Nation-wide Multistate Licensing System and Registry, the department shall retain full and exclusive authority over determinations of whether to grant, renew, suspend, or revoke licenses issued under this article. Nothing in this Code section shall be construed to reduce or otherwise limit such authority.
(d) Information disclosed through the Nation-wide Multistate Licensing System and Registry is deemed to be disclosed directly to the department and subject to Code Section 7-1-70. Such information shall not be disclosed to the public and shall remain privileged and confidential pursuant to Code Section 7-1-70.

7-1-684.
(a) The department shall conduct an investigation of every applicant for licensure to determine the financial responsibility, experience, character, and general fitness of such applicant. The department may issue the applicant a license to transmit money or sell payment instruments if the department determines to its general satisfaction that:
(1) The applicant is financially sound and responsible and able to transmit money or sell payment instruments in an honest, fair, and efficient manner and with the confidence and trust of the community; and
(2) All conditions for licensure set forth in this article or the rules and regulations of the department have been satisfied.
(b) The department shall not issue a license or may revoke a license if it finds that the applicant, licensee, or authorized agent; any person who is a director, officer, partner, covered employee, or ultimate equitable owner of the applicant, licensee, or authorized agent; or any individual who directs the affairs of or controls or establishes policy for the applicant, licensee, or authorized agent has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty or nolo contendere to a charge thereof before a court or federal magistrate or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof and regardless of whether first offender treatment without adjudication of guilt pursuant to the charge was entered or an adjudication or sentence was otherwise withheld or not entered on that charge, unless and until such plea of guilty or such decision, judgment, or verdict shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or until probation, sentence, or both probation and sentence of a first offender have been successfully completed and documented or unless the person convicted of the crime shall have received a pardon therefor from the President of the United States or the governor or other pardoning authority in the jurisdiction where the conviction occurred or shall have received an official certification of pardon granted by the state's pardoning body where the conviction occurred which removes the legal disabilities resulting from such conviction and restores civil and political rights.

(c) The department shall be authorized to obtain conviction data with respect to any applicant, licensee, or authorized agent, any person who is a director, officer, partner, covered employee, or ultimate equitable owner of the applicant, licensee, or authorized agent, or any individual who directs the affairs of or controls or establishes policy for the applicant, licensee, or authorized agent. The department may submit directly to the Georgia Crime Information Center two complete sets of fingerprints of such person, together with the required records search fees and such other information as may be required. Fees for background checks that the department administers shall be sent to the department by applicants, licensees, and authorized agents together with the fingerprints.

(d) Upon request by the department, each applicant, licensee, or authorized agent, any person who is a director, officer, partner, covered employee, or ultimate equitable owner of the applicant, licensee, or authorized agent, or any individual who directs the affairs of or controls or establishes policy for the applicant, licensee, or authorized agent shall submit to the department two complete sets of fingerprints, the required records search fees, and such other information as may be required. Fees for background checks that the department administers shall be submitted to the department by applicants, licensees, and authorized agents together with two complete sets of fingerprints, and the department is authorized to net such fees to recover any costs incurred by the department related to running the background checks. Upon receipt of fingerprints, fees, and other required information, the Georgia Crime Information Center shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall retain the other set and promptly conduct a search of its own records and records to which it has access. The Georgia Crime Information Center shall notify the department in writing of any derogatory finding, including, but not limited to, any conviction data regarding the fingerprint records check, or if there is no such finding. All conviction data received by the department or by the applicant, licensee, or authorized agent shall be used by the party requesting such data for the exclusive purpose of carrying out the responsibilities of this article, shall not be a public record, shall be confidential, and shall not be disclosed to any other person or agency except to any person or agency which otherwise has a legal right to inspect such data. All such records shall be maintained by the department and the applicant, licensee, or authorized agent pursuant to laws regarding such records and the rules and regulations of the Federal Bureau of Investigation and the Georgia Crime Information Center, as applicable. As used in this Code section, 'conviction data' means a record of a finding, verdict, or plea of guilty or plea of nolo contendere with regard to any crime, regardless of whether an appeal of the conviction has been sought.

(e) Every applicant and licensee shall be authorized and required to obtain and maintain the results of background checks on covered employees. Such background checks shall be handled by the Georgia Crime Information Center pursuant to Code Section 35-3-34 and the rules and regulations of the Georgia Crime Information Center. Applicants and licensees shall be responsible for any applicable fees charged by the

Georgia Crime Information Center. An applicant or licensee may only employ a person whose background data has been checked and has been found to be in compliance with all lawful requirements prior to the initial date of hire. This provision does not apply to directors, officers, partners, or ultimate equitable owners of applicants or licensees or to persons who direct the affairs of or control or establish policy for applicants or licensees, whose background shall have been investigated through the department before taking office, beginning employment, or securing ownership. Upon receipt of information from the Georgia Crime Information Center that is incomplete or that indicates a covered employee has a criminal record in any state other than Georgia, the employer shall submit to the department two complete sets of fingerprint cards for such person, together with the applicable fees and any other required information. The department shall submit such fingerprints as provided in subsection (d) of this Code section.

(f) Upon request by the department, an applicant, licensee, or authorized agent shall take all steps necessary to have an international criminal history background check performed on any directors, officers, partners, covered employees, or ultimate equitable owners of applicants, licensees, or authorized agents or persons who direct the affairs of or control or establish policy for applicants, licensees, or authorized agents. The results of such international criminal history background check shall be provided to the department.

(g) Applicants and licensees shall have the primary responsibility for obtaining background checks on covered employees. The department shall be entitled to review the files of any applicant or licensee to determine whether the required background checks have been run and whether all covered employees are qualified. The department shall be authorized to discuss the status of employee background checks with applicants, licensees, and authorized agents. Notwithstanding any other provisions in this article, the department shall retain the right to obtain conviction data on covered employees of applicants, licensees, and authorized agents.

(h) The department may use the Nation-wide Multistate Licensing System and Registry as a channeling agent for requesting information from and distributing information to the United States Department of Justice, any governmental agency, or any source so directed by the department.

7-1-684.1.

Each licensee shall submit to the Nation-wide Multistate Licensing System and Registry timely reports of condition, which shall be in such form and contain such information as the department and the Nation-wide Multistate Licensing System and Registry may require.

7-1-684.2.

The unique identifier of any licensee shall be clearly labeled on all advertisements and any other documents required by rule or regulation of the department.

7-1-685.
Except as otherwise specifically provided in this article, all licenses issued pursuant to this article shall expire on December 31 of each year, and each application for renewal shall be made annually on or before December 1 of each year. A license may be renewed by the filing of an application substantially conforming to the requirements of Code Section 7-1-683 as specifically modified in the department's rules and regulation. No investigation fee shall be payable in connection with such renewal application. However, an annual license fee established by rule or regulation of the department to defray the cost of supervision shall be paid with each renewal application and shall not be refunded or prorated.

7-1-686.
(a) A license issued pursuant to this article shall be kept conspicuously posted in the place of business of the licensee. If the licensee has no physical location in this state, then a copy of such license and the licensee's unique identifier shall be clearly posted and accessible through whichever medium the licensee engages in the sale of payment instruments or money transmission in this state.
(b) Such license shall not be transferable or assignable.
(c) No licensee shall engage in the sale of payment instruments or money transmissions under any name or names other than those authorized by the department in writing.
(d) A licensee shall give written notice to the department of its intent to operate any new or additional locations, including, but not limited to, locations operated by an authorized agent, not reported in either its original or renewal application. The required notice shall be provided to the department no later than 30 days after the licensee or authorized agent engages in the sale of payment instruments or money transmission at any new or additional locations.

7-1-687.
(a) A licensee shall give written notice to the department by registered or certified mail of any action which may be brought against it by any creditor or claimant where such action relates to the activities authorized under this article or involves a claim against the bond filed with the department under Code Section 7-1-683.2. The notice shall provide details sufficient to identify the action and shall be sent within 30 days after the commencement of any such action. The licensee shall also give notice to the department by registered or certified mail within 30 days of the entry of any judgment which may be entered against the licensee.
(b) The corporate surety shall, within ten days after it pays any claim to any creditor or claimant, give notice to the department by registered or certified mail of such payment with details sufficient to identify the claimant or creditor and the claim or judgment so paid. Whenever the principal sum of such bond is reduced by one or more recoveries or payments thereon, the licensee shall furnish a new or additional bond so that the total or aggregate principal sum of such bond or bonds shall equal the sum required under Code

Section 7-1-683.2 or shall furnish an endorsement duly executed by the corporate surety reinstating the bond to the required principal sum thereof.

(c) A bond filed with the department for the purpose of compliance with Code Section 7-1-683.2 shall not be canceled by either the licensee or the corporate surety except upon notice to the department by registered or certified mail or statutory overnight delivery, return receipt requested, and such cancellation shall be effective no sooner than 30 days after receipt by the department of such notice and only with respect to any breach of condition occurring after the effective date of such cancellation.

(d) A licensee shall give written notice to the department by registered or certified mail within ten days of the following:

(1) Any knowledge or discovery of an act prohibited by Code Section 7-1-684 or 7-1-691 or subsection (a) of Code Section 7-1-692;

(2) The discharge of any employee for actual or suspected misrepresentations, dishonest acts, or fraudulent acts;

(3) Any knowledge or discovery of the discharge of a covered employee or an authorized agent for actual or suspected misrepresentations, dishonest acts, or fraudulent acts;

(4) Any knowledge or discovery of an administrative, civil, or criminal action initiated by any government entity against the licensee or an authorized agent, any director, officer, partner, or ultimate equitable owner of the licensee or authorized agent, or any individual who directs the affairs of or controls or establishes policy for the licensee or authorized agent; or

(5) The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Sections 101 through 110, for bankruptcy reorganization or the filing of a petition by or against the licensee for receivership or the making of a general assignment for the benefit of its creditors.

7-1-688.

(a) Except as provided in this Code section, no person shall become an ultimate equitable owner of any licensee through acquisition or other change in control or become an executive officer of a licensee unless the person has first received written approval for such acquisition, change in control, or designation as an executive officer from the department. In order to obtain such approval, such person shall:

(1) File an application with the department in such form as the department may prescribe from time to time;

(2) Provide such other information as the department may require concerning the financial responsibility, background, experience, and activities of the applicant, its directors and executive officers, if a corporation, and its members, if applicable, and of any proposed new directors, executive officers, members, or ultimate equitable owners of the licensee; and

(3) Pay such application fee as the department may prescribe.

(b) The department may prescribe additional requirements for approval of such acquisition, change in control, or designation as an executive officer through rules and regulations.
(c) If the application is denied, the department shall notify the applicant of the denial and the reasons for the denial.

7-1-689.
(a) Each licensee shall make, keep, and use in its business such books, accounts, and records as the department may require to enforce the provisions of this article and the rules and regulations promulgated under it. Each licensee shall preserve such books, accounts, and records for five years or such greater period of time as prescribed in the department's rules and regulations.
(b) Records required to be made, kept, and preserved pursuant to subsection (a) of this Code section may be maintained in a photographic, electronic, or other similar form.
(c) Records required to be made, kept, and preserved pursuant to subsection (a) of this Code section may be maintained at a location outside of this state so long as such records are produced to the commissioner at the department's main office within ten days of the date of a written request by the department to the licensee.
(d) The department shall investigate and examine the affairs, business, premises, and records of any licensee or authorized agent pertaining to the sale of payment instruments or money transmission. The department may conduct such investigations or examinations at least once every 24 months. The department may accept examination reports performed and produced by other state or federal agencies in satisfaction of this requirement unless the department determines that the examinations are not available or do not provide information necessary to fulfill the responsibilities of the department under this article.
(e) Notwithstanding subsection (d) of this Code section, the department may alter the frequency or scope of investigations or examinations through rules or regulations prescribed by the department. In addition, if the department determines that based on the records submitted to the department and past history of operations of the licensee in the state such investigations or examinations are unnecessary, then the department may waive such investigations and examinations.
(f) In addition to any other authority set forth under this article, the department shall be authorized to conduct investigations and examinations of applicants, licensees, and authorized agents as follows:
(1) The department shall have the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including, but not limited to:
(A) Criminal, civil, and administrative history information, including nonconviction data;
(B) Personal history and experience information, including, but not limited to, independent credit reports obtained from a consumer reporting agency described in the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a; and

(C) Any other documents, information, or evidence the department deems relevant to the inquiry, examination, or investigation regardless of the location, possession, control, or custody of such documents, information, or evidence;

(2) The department may review, investigate, or examine any licensee or person subject to this article as often as necessary in order to carry out the purposes of this article;

(3) Each licensee or person subject to this article shall make available to the department, upon request, any books and records relating to the activities of selling payment instruments or the transmission of money;

(4) No licensee or person subject to investigation or examination under this article shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, documents, files, computer records, evidence or other information; and

(5) In order to carry out the purposes of this Code section, the department may:

(A) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, documents, records, information, or evidence or by utilizing standardized or uniform methods or procedures;

(B) Accept and rely on examination or investigation reports made by other government officials within or outside this state; and

(C) Accept audit reports or portions of audit reports made by an independent certified public accountant on behalf of the licensee or person subject to this article covering the same general subject matter as the audit and may incorporate the audit report in the report of examination, report of investigation, or other writing of the department.

(g) Each licensee shall pay an examination fee as established by the rules and regulations of the department to cover the cost of an examination or investigation.

(h) The department, in its discretion, may:

(1) Make such public or private examination or investigation within or outside of this state as it deems necessary to determine whether any person has violated this article, any rule or regulation, or order issued under this article, to aid in the enforcement of this article, or to assist in the prescribing of rules and regulations pursuant to this article;

(2) Require or permit any person to file a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be investigated;

(3) Request any financial data from an applicant or licensee; and

(4) Conduct an on-site examination of a licensee or authorized agent at any location of the licensee or authorized agent without prior notice to the licensee or authorized agent. The licensee shall pay all reasonably incurred costs of the examination when the department examines the operations of its authorized agent. The department is authorized to net its out-of-state travel expenses incurred as a result of an examination or investigation of a licensee or authorized agent against the payment from the licensee.

(i) For the purpose of conducting any examination or investigation as provided in this Code section, the department shall have the power to administer oaths, to call any party to testify under oath in the course of such examinations or investigations, to require the attendance of witnesses, to require the production of books, accounts, records, documents, and papers, and to take the depositions of witnesses; and for such purposes the department is authorized to issue a subpoena for any witness or for the production of documentary evidence. Such subpoenas may be served by certified mail or statutory overnight delivery, return receipt requested, to the addressee's business mailing address or by examiners appointed by the department or shall be directed for service to the sheriff of the county where such witness resides or is found or where the person in custody of any books, accounts, records, documents, or papers resides or is found.

(j) The department may issue and apply to enforce subpoenas in this state at the request of any government agency, department, organization, or entity regulating the sale of payment instruments or money transmission in another state if the activities constituting the alleged violation for which the information is sought would be a violation of this article if the alleged activities had occurred in this state.

(k) In case of refusal to obey a subpoena issued under this article to any person, a superior court of appropriate jurisdiction, upon application by the department, may issue to the person an order requiring him or her to appear before the court to show cause why he or she should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished as contempt by the court.

(l) Examinations and investigations conducted under this article and information obtained by the department in the course of its duties under this article are confidential, except as provided in this subsection, pursuant to the provisions of Code Section 7-1-70. In addition to the exceptions set forth in subsection (b) of Code Section 7-1-70, the department is authorized to share information obtained under this article with other state and federal regulatory agencies or law enforcement authorities. In the case of such sharing, the safeguards to confidentiality already in place within such agencies or authorities shall be deemed adequate. The commissioner or an examiner specifically designated may disclose such information as is necessary to conduct a civil or administrative investigation or proceeding. Information contained in the records of the department that is not confidential and may be made available to the public either on the department's website or upon receipt by the department of a written request shall include:

(1) The name, business address, and telephone, fax, and license numbers of a licensee;

(2) The names and titles of the principal officers;

(3) The name of the owner or owners thereof;

(4) The business address of a licensee's registered agent for service;

(5) The name, business address, telephone number, and fax number of all locations of a licensee;

(6) The name, business address, telephone number, and fax number of all authorized agents;

(7) The terms of or a copy of any bond filed by a licensee;
(8) Information concerning any violation of this article, any rule or regulation, or order issued under this article, provided that the information is derived from a final order of the department; and
(9) Imposition of an administrative fine or penalty under this article.
(m) The authority to conduct an examination or investigation as provided for in this Code section shall remain in effect whether such licensee or person acts or claims to act under any licensing or registration law of this state or claims to act without such authority.
(n) In the absence of malice, fraud, or bad faith, a person is not subject to civil liability arising out of furnishing the department with information required by this article or required by the department under the authority granted in this article. No civil cause of action of any nature shall arise against such person:
(1) For any information relating to suspected prohibited conduct furnished to or received from law enforcement officials, their agents, or employees or to or from other regulatory or licensing authorities;
(2) For any such information furnished to or received from other persons subject to the provisions of this article; or
(3) For any information furnished in complaints filed with the department.
(o) The commissioner or any employee or agent of the department shall not be subject to civil liability, and no civil cause of action of any nature shall exist against such persons arising out of the performance of activities or duties under this article or by publication of any report of activities under this Code section.

7-1-690.
Without limiting the power conferred by Article 1 of this chapter, the department may make reasonable rules and regulations, not inconsistent with law, for the interpretation and enforcement of this article.

7-1-691.
It shall be prohibited for any person engaged in the sale of checks or money transmission in this state, including any person required to be licensed under this article, to:
(1) Sell payment instruments as an agent of a principal seller who is not exempt from the licensure requirements under Code Section 7-1-682 and has not obtained a license hereunder, and any person who does so shall be deemed to be the principal seller thereof and not merely an agent and shall be liable to the payment instrument holder or remitter as the principal seller;
(2) Receive, transmit, or handle monetary value on behalf of another or issue a payment instrument and not be exempt from licensure under Code Section 7-1-682, and any person who does so shall be liable to the payment instrument holder for the payment thereof to the same extent as a drawer of a negotiable instrument, whether or not the payment instrument is a negotiable instrument under Article 3 of Title 11;

(3) Fail to transmit moneys received within five business days of receiving such moneys; or

(4) Engage in any activity that would subject a licensee to suspension or revocation of its license under this article or any activity that the department may prohibit pursuant to rule or regulation, whether or not the person has a license.

7-1-692.

(a) The department may suspend or revoke an original or renewal license issued pursuant to this article or rescind the authorization to act as an authorized agent of a licensee if it finds that any ground or grounds exist which would require or warrant the refusal of an application for the issuance or renewal of a license or the authorization to act as an authorized agent of a licensee if such an application or notification were then before it. The department may also deny an application, suspend or revoke an original or renewal license issued pursuant to this article, or rescind the authorization to act as an authorized agent of a licensee if it finds that the licensee or the authorized agent has:

(1) Committed any fraud, engaged in any dishonest activities, or made any misrepresentation;

(2) Violated any provisions of this article, any rule or regulation issued pursuant thereto, any order issued by the department, or any other law in the course of its dealings as a licensee or authorized agent;

(3) Made a false statement in an original or renewal application for licensure or failed to give a true reply to a question in an original or renewal application;

(4) Demonstrated incompetency or untrustworthiness to act as a licensee or authorized agent;

(5) Failed to pay, within 30 days after it becomes final, a judgment recovered in any court by a claimant or creditor in an action arising out of the licensee's business in this state of engaging in the sale of payment instruments or money transmission;

(6) Purposely withheld, deleted, destroyed, or altered information requested by an examiner of the department or made false statements or misrepresentations to the department; or

(7) Operated in an unsafe or unsound manner.

(b) The department shall not issue a license to an applicant, may rescind the authorization to act as an authorized agent of a licensee, and may revoke a license if such applicant, licensee, or authorized agent is subject to or employs any person subject to a final cease and desist order that has been issued within the preceding five years if such order was based on a violation of this article. Each applicant or licensee shall, before hiring a covered employee, examine the department's public records to determine that such covered employee is not subject to a cease and desist order.

(c) The department shall not issue a license to an applicant, may rescind the authorization to act as an authorized agent of a licensee, and may revoke a license if such applicant, licensee, or authorized agent is subject to or employs any person whose license issued pursuant to this article was revoked within the preceding five years. Each applicant or licensee shall, before hiring a covered employee, examine the

department's public records to determine that such covered employee's license was not revoked.

(d) The department shall not issue a license to an applicant, may rescind the authorization to act as an authorized agent of a licensee, and may revoke a license if it finds that any person who is a director, officer, partner, ultimate equitable owner of the applicant, licensee, or authorized agent or any individual who directs the affairs of or controls or establishes policy for the applicant, licensee, or authorized agent has been in one or more of those roles as a licensee whose application has been denied or license revoked or suspended within five years of the date of the application.

(e) Notice of the department's intention to enter an order denying an application for a license, rescinding the authorization to act as an authorized agent of a licensee, or suspending or revoking a license shall be given to the applicant, authorized agent, or licensee in writing, sent by registered or certified mail or statutory overnight delivery addressed to the principal place of business of such applicant, authorized agent, or licensee. If a person refuses to accept service of the notice by registered or certified mail or statutory overnight delivery, the notice or order shall be served by the commissioner or the commissioner's authorized representative under any other method of lawful service, and the person shall be personally liable to the commissioner for a sum equal to the actual costs incurred to serve the notice or order. This liability shall be paid upon notice and demand by the commissioner or the commissioner's representative and shall be assessed and collected in the same manner as other fees or fines administered by the commissioner. Within 20 days of the date of the notice of intention to enter an order of denial, suspension, revocation, or rescission under this article, the applicant, authorized agent, or licensee may request in writing a hearing to contest the order. If a hearing is not requested in writing within 20 days of the date of such notice of intention, the department shall enter a final order regarding the denial, suspension, or revocation. Any final order of the department denying an application, suspending or revoking a license, or rescinding authorization to act as an authorized agent shall state the grounds upon which it is based and shall be effective on the date of issuance. A copy thereof shall be forwarded promptly by mail addressed to the principal place of business of such applicant, authorized agent, or licensee.

(f) A decision by the department denying an application for license or of an order suspending or revoking a license shall be subject to review in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(g) Whenever the department initiates an administrative action against a current licensee or an applicant, the department may pursue such action to its conclusion despite the fact that a licensee may withdraw or fail to renew its license or an applicant may withdraw its application.

(h) The suspension or revocation of a license under this Code section does not alter, ameliorate, or void a licensee's duties or liabilities under any existing contract entered into by the licensee prior to such suspension or revocation.

(i) The provisions of this Code section shall not apply when an application for a license is denied or a license is suspended as provided in Code Section 7-1-693.

7-1-693.
(a) Where an applicant or licensee has been found to be a borrower in default, as defined in Code Section 20-3-295, such action shall be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in said Code section shall be the only procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in collecting outstanding student loan debt.
(b) Where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action shall be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in Code Section 19-6-28.1 or 19-11-9.3 shall be the only such procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in recovering child support when required by law.

7-1-694.
(a) The department may issue an order requiring a person to cease and desist immediately from unauthorized activities whenever it shall appear to the department that:
(1) Except as provided in paragraphs (2) and (3) of this subsection, a person has violated any law of this state or any order or regulation of the department, and such cease and desist order shall be final 20 days after it is issued unless the person to whom it is issued makes a written request within such 20 day period for a hearing;
(2) A person not licensed under this article is engaging in or has engaged in activities requiring licensure under this article, which such cease and desist order shall be final 30 days from the date of issuance, and there shall be no opportunity for an administrative hearing. If the proper license or evidence of exemption is obtained within the 30 day period, the order shall be rescinded by the department; or
(3) A person licensed under this article has received a notice of bond cancellation under Code Section 7-1-687, which such cease and desist order shall be final 30 days from the date of issuance, and there shall be no opportunity for an administrative hearing. In the event the cease and desist order becomes final, the license shall expire, and if a new license is desired, the licensee shall be required to make a new application for a license and pay all applicable fees as if it had never been licensed. If the required surety bond is reinstated or replaced and such documentation is delivered to the department within the 30 day period following the date of issuance of the order, the order shall be rescinded.
(b) The cease and desist order shall be in writing, sent by registered or certified mail or statutory overnight delivery, and addressed to the person's business address and, if the person is an individual, to the individual's personal address. Any cease and desist order sent to a person at its business address and, if an individual, his or her personal address

that is returned to the department as 'refused' or 'unclaimed' shall be deemed as received and lawfully served.

(c) Any hearing authorized under paragraph (1) of subsection (a) of this Code section shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(d) Whenever a person shall fail to comply with the terms of a final order or decision of the department issued pursuant to this article, the department may, through the Attorney General and upon notice of three days to such person, petition the principal court for an order directing such person to obey the order of the department within the period of time as shall be fixed by the court. Upon the filing of such petition, the court shall allow a motion to show cause why it should not be granted. After a hearing upon the merits or after failure of such person to appear when ordered, the court shall grant the petition of the department upon a finding that the order of the department was properly issued.

(e) Any person who violates the terms of any final order or decision issued pursuant to this article shall be liable for a civil penalty not to exceed $1,000.00. Each day the violation continues shall constitute a separate offense. In determining the amount of penalty, the department shall take into account the appropriateness of the penalty relative to the size of the financial resources of such person, the good faith efforts of such person to comply with the order, the gravity of the violation, the history of previous violations by such person, and such other factors or circumstances as shall have contributed to the violation. The department may at its discretion compromise, modify, or refund any penalty which is subject to imposition or has been imposed pursuant to this Code section. Any person assessed as provided in this subsection shall have the right to request a hearing into the matter within ten days after notification of the assessment has been served upon the licensee involved; otherwise, such penalty shall be final except as to judicial review as provided in Code Section 7-1-90.

(f) Judicial review of any final order or decision of the department entered pursuant to this article shall be available solely in the superior court of the county of domicile of the department.

(g) In addition to any other administrative penalties authorized by this article, the department may, by rule or regulation, prescribe administrative fines for violations of this article and any rules and regulations promulgated by the department pursuant to this article.

7-1-695.

Every payment instrument issued in the conduct of the business regulated by this article shall be signed by the licensee or its authorized agent, and the licensee shall be liable for the payment thereof to the same extent as a drawer of a negotiable instrument, whether or not the payment instrument is a negotiable instrument under Article 3 of Title 11.

7-1-696.
Any person, partnership, association, or corporation and the several members, officers, directors, agents, ultimate equitable owners, and employees thereof that shall violate any of the provisions of this article shall be guilty of a misdemeanor, which shall be punishable by imprisonment for not more than one year or by a fine of not more than $500.00, or by both such fine and imprisonment.

7-1-697.
Nothing in this article shall limit any statutory or common law right of any person to bring any action in any court for any act involved in the cashing of payment instruments or the right of the state to punish any person for any violation of any law.

7-1-698.
Every license in force and effect under Article 4 of Chapter 1 of this title, relating to sale of checks and money orders, on the date of enactment of this article shall remain in full force and effect on the effective date of this article, and all such existing licensees shall be required to renew their licenses pursuant to Code Section 7-1-685."

SECTION 2.

Said chapter is further amended by repealing Article 4A, relating to the cashing of checks, drafts, or money orders for consideration, and enacting a new Article 4A to read as follows:

"ARTICLE 4A

7-1-700.
As used in this article, the term:
(1) 'Cash payment instruments' or 'cashing payment instruments' means to accept a payment instrument from a person in exchange for monetary value less a fee.
(2) 'Check' means any check, money order, draft, or negotiable demand instrument.
(3) 'Check casher' means an individual, partnership, association, or corporation engaged in cashing payment instruments for a fee.
(4) 'Closed-loop transaction' means a transaction where the value or credit is primarily intended to be redeemed for a limited universe of goods, intangibles, services, or other items provided by the issuer of the payment instrument, its affiliates or agents, or others involved in the transaction functionally related to the issuer or its affiliates or agents.
(5) 'Commissioner' means the commissioner of banking and finance.
(6) 'Control,' 'controlling,' 'controlled by,' and 'under common control with' means the direct or indirect possession of power to direct or cause the direction of management and policies of a person.
(7) 'Covered employee' means any employee of a licensee engaged in any function related to cashing payment instruments.

(8) 'Department' means the Department of Banking and Finance.
(9) 'Executive officer' means the chief executive officer, president, chief financial officer, chief operating officer, each vice president with responsibility involving policy-making functions for a significant aspect of a person's business, secretary, treasurer, or any other person performing similar managerial or supervisory functions with respect to any organization, whether incorporated or unincorporated.
(10) 'Fee' means a service charge, benefit, or other consideration, which includes, but is not limited to, cash, the exchange of value in excess of regular retail value, mandatory purchase of goods or services by patrons, or the purchase of catalogue items or coupons or other items indicating the ability to receive goods, services, or catalogue items.
(11) 'Individual' means a natural person.
(12) 'Licensee' means a person, including, but not limited to, a check casher, duly licensed under this article to accept payment instruments and exchange them for monetary value for a fee.
(13) 'Misrepresent' means to make a false statement of a substantive fact. The term may also mean to engage in any conduct which leads to a false belief which is material to the transaction.
(14) 'Monetary value' means a medium of exchange, whether or not redeemable in money.
(15) 'Nation-wide Multistate Licensing System and Registry' means a licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of certain persons engaged in nondepository activities.
(16) 'Open-loop transaction' means a transaction using a payment instrument with stored value to redeem for goods or services at any location that accepts such payment instrument.
(17) 'Payment instrument' means any instrument, order, or device for the payment or transmission of money or monetary value, whether or not it is a negotiable instrument under the terms of Article 3 of Title 11, relating to negotiable instruments. The term includes, but is not limited to, checks, money orders, drafts, stored value cards, and open-loop transactions. The term does not include closed-loop transactions, credit card vouchers, letters of credit, or any instrument that is redeemable by the issuer only in specific goods or services of the issuer.
(18) 'Person' means any individual, sole proprietorship, corporation, limited liability company, partnership, trust, or any other group of individuals, however organized.
(19) 'Stored value' means monetary value that is evidenced by an electronic record.
(20) 'Ultimate equitable owner' means a person that:
(A) Owns, directly or indirectly, a 10 percent or more interest in a corporation or any other form of business organization;
(B) Owns, directly or indirectly, 10 percent or more of the voting shares of any corporation or any other form of business organization; or

(C) Exerts control, directly or indirectly, over a corporation or any other form of business organization, regardless of whether such person owns or controls such interest through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, limited liability companies, partnerships, trusts, joint stock companies, other entities or devices, or any combination thereof.

(21) 'Unique identifier' means a number or other identifier assigned by protocols established by the Nation-wide Multistate Licensing System and Registry.

7-1-701.

(a) Pursuant to this article, the department may license a person to cash payment instruments.

(b) No person shall cash payment instruments without first obtaining a license under this article.

(c) Every person that directly or indirectly controls another person that violates subsection (b) of this Code section, each general partner, executive officer, joint venture, ultimate equitable owner, or director of such person, and every person occupying a similar status or performing similar functions as such person violates with and to the same extent as such person. Any person who directly or indirectly controls a person who violates subsection (b) of this Code section may avoid liability if such person sustains the burden of proof that the person did not know and, in the exercise of reasonable care, could not have known of the existence of the facts by reason of which the original violation is alleged to exist.

7-1-701.1.

The requirement for licensure set forth in this article shall not apply to:

(1) Any state or federally chartered bank, trust company, credit union, savings and loan association, or savings bank with deposits that are federally insured;

(2) The United States Postal Service;

(3) A state or federal governmental department, agency, authority, or instrumentality and its agents;

(4) Any foreign bank that establishes a federal branch pursuant to the International Bank Act, 12 U.S.C. Section 3102;

(5) Any person who accepts a payment instrument from a person in exchange for monetary value but does not charge a fee; or

(6) An individual employed by a licensee or any person exempted from the licensing requirements of this article when acting within the scope of employment and under the supervision of the licensee or exempted person as an employee and not as an independent contractor.

7-1-702.

(a) Each applicant for a license under this article shall:

(1) Submit an application in writing, which is made under oath and in such form as the department may prescribe;

(2) Furnish to the Nation-wide Multistate Licensing System and Registry the following information:

(A) The legal name and principal office address of the person applying for the license;

(B) The name, residence, and business address of each director, ultimate equitable owner, and executive officer;

(C) If the applicant has one or more branches or other locations at or through which the applicant proposes to cash payment instruments within this state, the complete address of each such location; and

(D) The location where the initial registered office will be located in this state; and

(3) Submit such other data, financial statements, and pertinent information as the department may require with respect to the applicant, its directors, trustees, officers, members, ultimate equitable owners, or agents.

(b) The application for license shall be filed together with:

(1) An investigation and supervision fee established by rule or regulation which shall not be refundable but which, if the license is granted, shall satisfy the fee requirement for the first licensed year or the remaining part thereof;

(2) Items required by other provisions of this article, including but not limited to Code Section 7-1-703 and subsection (c) of Code Section 7-1-707; and

(3) Other information as may be required by the department.

(c) The department shall pay all fees received from licensees and applicants related to applications, licenses, and renewals to the Office of the State Treasurer; provided, however, that the department may net such fees to recover the cost of participation in the Nation-wide Multistate Licensing System and Registry.

(d) The department shall enact rules and regulations regarding the time frame by which all persons must submit an original or renewal application for licensure through the Nation-wide Multistate Licensing System and Registry.

7-1-702.1.

A mobile payment instrument cashing facility operated by a licensee shall be treated as a branch location and the operations of the facility shall be conducted in accordance with the rules and regulations of the department.

7-1-702.2.

(a) The department is authorized to:

(1) Participate in the Nation-wide Multistate Licensing System and Registry in order to facilitate the sharing of information and standardization of the licensing and application processes for persons subject to this article;

(2) Enter into operating agreements, information sharing agreements, interstate cooperative agreements, and other contracts necessary for the department's participation in the Nation-wide Multistate Licensing System and Registry;

(3) Disclose or cause to be disclosed without liability, via the Nation-wide Multistate Licensing System and Registry, applicant and licensee information, including, but not limited to, violations of this article and enforcement actions, to facilitate regulatory oversight;

(4) Request that the Nation-wide Multistate Licensing System and Registry adopt an appropriate privacy, data security, and security breach notification policy that is in full compliance with existing state and federal law; and

(5) Establish and adopt, by rule and regulation, requirements for participation by applicants and licensees in the Nation-wide Multistate Licensing System and Registry, upon the department's determination that each requirement is consistent with both the public interest and purposes of this article.

(b) The department shall enact rules and regulations establishing a process whereby licensees may challenge information entered by the department into the Nation-wide Multistate Licensing System and Registry.

(c) Irrespective of its participation in the Nation-wide Multistate Licensing System and Registry, the department shall retain full and exclusive authority over determinations of whether to grant, renew, suspend, or revoke licenses issued under this article. Nothing in this Code section shall be construed to reduce or otherwise limit such authority.

(d) Information disclosed through the Nation-wide Multistate Licensing System and Registry is deemed to be disclosed directly to the department and subject to Code Section 7-1-70. Such information shall not be disclosed to the public and shall remain privileged and confidential pursuant to Code Section 7-1-70.

7-1-703.

(a) The department shall conduct an investigation of every applicant for licensure to determine the financial responsibility, experience, character, and general fitness of such applicant. The department may issue the applicant a license to cash payment instruments if the department determines to its general satisfaction that:

(1) The applicant is financially sound and responsible and able to cash payment instruments in an honest, fair, and efficient manner and with the confidence and trust of the community; and

(2) All conditions for licensure set forth in this article or the rules and regulations of the department have been satisfied.

(b) The department shall not issue a license or may revoke a license if it finds that the applicant or licensee, any person who is a director, officer, partner, agent, covered employee, or ultimate equitable owner of the applicant or licensee, or any individual who directs the affairs of or controls or establishes policy for the applicant or licensee has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty or nolo contendere to a charge thereof before a court or federal magistrate or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the

pronouncement of sentence or the suspension thereof and regardless of whether first offender treatment without adjudication of guilt pursuant to the charge was entered or an adjudication or sentence was otherwise withheld or not entered on that charge, unless and until such plea of guilty or such decision, judgment, or verdict shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or until probation, sentence, or both probation and sentence of a first offender have been successfully completed and documented or unless the person convicted of the crime shall have received a pardon therefor from the President of the United States or the governor or other pardoning authority in the jurisdiction where the conviction occurred or shall have received an official certification of pardon granted by the state's pardoning body where the conviction occurred which removes the legal disabilities resulting from such conviction and restores civil and political rights.

(c) The department shall be authorized to obtain conviction data with respect to any applicant or licensee, any person who is a director, officer, partner, agent, covered employee, or ultimate equitable owner of the applicant or licensee, or any individual who directs the affairs of or controls or establishes policy for the applicant or licensee. The department may submit directly to the Georgia Crime Information Center two complete sets of fingerprints of such person, together with the required records search fees and such other information as may be required. Fees for background checks that the department administers shall be sent to the department by applicants and licensees together with the fingerprints.

(d) Upon request by the department, each applicant, licensee, any person who is a director, officer, partner, agent, covered employee, or ultimate equitable owner of the applicant or licensee, or any individual who directs the affairs of or controls or establishes policy for the applicant or licensee shall submit to the department two complete sets of fingerprints, the required records search fees, and such other information as may be required. Fees for background checks that the department administers shall be submitted to the department by applicants or licensees together with two complete sets of fingerprints, and the department is authorized to net such fees to recover any costs incurred by the department related to running the background checks. Upon receipt of fingerprints, fees, and other required information, the Georgia Crime Information Center shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall retain the other set and promptly conduct a search of its own records and records to which it has access. The Georgia Crime Information Center shall notify the department in writing of any derogatory finding, including, but not limited to, any conviction data regarding the fingerprint records check, or if there is no such finding. All conviction data received by the department or by the applicant or licensee shall be used by the party requesting such data for the exclusive purpose of carrying out the responsibilities of this article, shall not be a public record, shall be confidential, and shall not be disclosed to any other person or agency except to any person or agency which otherwise has a legal right to inspect such data. All such records shall be maintained by the department and the applicant or licensee pursuant to laws regarding

such records and the rules and regulations of the Federal Bureau of Investigation and the Georgia Crime Information Center, as applicable. As used in this Code section, 'conviction data' means a record of a finding, verdict, or plea of guilty or plea of nolo contendere with regard to any crime, regardless of whether an appeal of the conviction has been sought.

(e) Every applicant and licensee shall be authorized and required to obtain and maintain the results of background checks on covered employees. Such background checks shall be handled by the Georgia Crime Information Center pursuant to Code Section 35-3-34 and the rules and regulations of the Georgia Crime Information Center. Applicants and licensees shall be responsible for any applicable fees charged by the Georgia Crime Information Center. An applicant or licensee may only employ a person whose background data has been checked and has been found to be in compliance with all lawful requirements prior to the initial date of hire. This provision does not apply to directors, officers, partners, or ultimate equitable owners of applicants or licensees or to persons who direct the affairs of or control or establish policy for applicants or licensees, whose background shall have been investigated through the department before taking office, beginning employment, or securing ownership. Upon receipt of information from the Georgia Crime Information Center that is incomplete or that indicates a covered employee has a criminal record in any state other than Georgia, the employer shall submit to the department two complete sets of fingerprint cards for such person, together with the applicable fees and any other required information. The department shall submit such fingerprints as provided in subsection (d) of this Code section.

(f) Applicants and licensees shall have the primary responsibility for obtaining background checks on covered employees. The department shall be entitled to review the files of any applicant or licensee to determine whether the required background checks have been run and whether all covered employees are qualified. The department shall be authorized to discuss the status of employee background checks with applicants and licensees. Notwithstanding any other provisions in this article, the department shall retain the right to obtain conviction data on covered employees of applicants and licensees.

(g) The department may use the Nation-wide Multistate Licensing System and Registry as a channeling agent for requesting information from and distributing information to the United States Department of Justice, any governmental agency, or any source so directed by the department.

7-1-703.1.

Each licensee shall submit to the Nation-wide Multistate Licensing System and Registry timely reports of condition, which shall be in such form and shall contain such information as the department and the Nation-wide Multistate Licensing System and Registry may require.

7-1-703.2.
The unique identifier of any licensee shall be clearly labeled on all advertisements and any other documents required by rule or regulation of the department.

7-1-704.
Except as otherwise specifically provided in this article, all licenses issued pursuant to this article shall expire on December 31 of each year, and each application for renewal shall be made annually on or before December 1 of each year. A license may be renewed by the filing of an application substantially conforming to the requirements of Code Section 7-1-702 and the department's rules and regulations. No investigation fee shall be payable in connection with such renewal application. However, an annual license fee established by rule or regulation of the department to defray the cost of supervision shall be paid with each renewal application and shall not be refunded or prorated.

7-1-704.1.
(a) A license issued pursuant to this article shall be kept conspicuously posted in the place of business of the licensee.
(b) Such license shall not be transferable or assignable.
(c) No licensee shall cash payment instruments under any name or names other than those authorized by the department in writing.
(d) A licensee shall give written notice to the department of its intent to operate any new or additional locations not reported in either its original or renewal application. The required notice shall be provided to the department no later than 30 days after the licensee first cashed a payment instrument at any new or additional location.

7-1-705.
(a) A licensee shall give written notice to the department by registered or certified mail of any action which may be brought against it by any creditor or claimant where such action relates to activities authorized under this article or involves a claim against the bond filed with the department under subsection (c) of Code Section 7-1-707. The notice shall provide details sufficient to identify the action and shall be sent within 30 days after the commencement of any such action. The licensee shall also give notice to the department by registered or certified mail within 30 days of the entry of any judgment against the licensee.
(b) A licensee shall give written notice to the department by registered or certified mail within ten days of the following:
(1) Any knowledge or discovery of an act prohibited by Code Section 7-1-703 or 7-1-707 or subsection (a) of Code Section 7-1-708;
(2) The discharge of any employee for actual or suspected misrepresentations, dishonest acts, or fraudulent acts; or
(3) Any knowledge or discovery of an administrative, civil, or criminal action initiated by any government entity against the licensee, any of the licensee's directors,

officers, partners, ultimate equitable owners, or any individual who directs the affairs of or controls or establishes policy for the licensee.

7-1-705.1.
(a) Except as provided in this Code section, no person shall become an ultimate equitable owner of any licensee through acquisition or other change in control or become an executive officer of a licensee unless the person has first received written approval for such acquisition, change in control, or designation as an executive officer from the department. In order to obtain such approval, such person shall:
(1) File an application with the department in such form as the department may prescribe from time to time;
(2) Provide such other information as the department may require concerning the financial responsibility, background, experience, and activities of the applicant, its directors and executive officers, if a corporation, and its members, if applicable, and of any proposed new directors, executive officers, members, or ultimate equitable owners of the licensee; and
(3) Pay such application fee as the department may prescribe.
(b) The department may prescribe additional requirements for approval of such acquisition, change in control, or designation as an executive officer through rules and regulations.
(c) If the application is denied, the department shall notify the applicant of the denial and the reasons for the denial.

7-1-706.
(a) Each licensee shall make, keep, and use in its business such books, accounts, and records as the department may require to enforce the provisions of this article and the rules and regulations promulgated under it. Each licensee shall preserve such books, accounts, and records for five years or such greater period of time as prescribed in the department's rules and regulations.
(b) Records required to be made, kept, and preserved pursuant to subsection (a) of this Code section may be maintained in a photographic, electronic, or other similar form.
(c) Records required to be made, kept, and preserved pursuant to subsection (a) of this Code section may be maintained at a location outside of this state so long as such records are produced to the commissioner at the department's main office within ten days of the date of a written request by the department to the licensee.
(d) The department shall investigate and examine the affairs, business, premises, and records of any licensee pertaining to cashing payment instruments. The department may conduct such investigations or examinations at least once every 24 months. The department may accept examination reports performed and produced by other state or federal agencies in satisfaction of this requirement unless the department determines that the examinations are not available or do not provide information necessary to fulfill the responsibilities of the department under this article.

(e) Notwithstanding subsection (d) of this Code section, the department may alter the frequency or scope of investigations or examinations through rules or regulations prescribed by the department. In addition, if the department determines that based on the records submitted to the department and past history of operations of the licensee in the state such investigations or examinations are unnecessary, then the department may waive such investigations and examinations.

(f) In addition to any other authority set forth under this article, the department shall be authorized to conduct investigations and examinations of applicants and licensees as follows:

(1) The department shall have the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including, but not limited to:

(A) Criminal, civil, and administrative history information, including nonconviction data;

(B) Personal history and experience information, including, but not limited to, independent credit reports obtained from a consumer reporting agency described in the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a; and

(C) Any other documents, information, or evidence the department deems relevant to the inquiry, examination, or investigation regardless of the location, possession, control, or custody of such documents, information, or evidence;

(2) The department may review, investigate, or examine any licensee or person subject to this article as often as necessary in order to carry out the purposes of this article;

(3) Each licensee or person subject to this article shall make available to the department, upon request, any books and records relating to the activities of cashing payment instruments;

(4) No licensee or person subject to investigation or examination under this article shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, documents, files, computer records, evidence, or other information; and

(5) In order to carry out the purposes of this Code section, the department may:

(A) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, documents, records, information, or evidence or by utilizing standardized or uniform methods or procedures;

(B) Accept and rely on examination or investigation reports made by other government officials within or outside this state; and

(C) Accept audit reports or portions of audit reports made by an independent certified public accountant on behalf of the licensee or person subject to this article covering the same general subject matter as the audit and may incorporate the audit report in the report of examination, report of investigation, or other writing of the department.

(g) Each licensee shall pay an examination fee as established by the rules and regulations of the department to cover the cost of an examination or investigation.

(h) The department, in its discretion, may:

(1) Make such public or private examination or investigation within or outside of this state as it deems necessary to determine whether any person has violated this article, any rule or regulation, or order issued under this article, to aid in the enforcement of this article, or to assist in the prescribing of rules and regulations pursuant to this article;

(2) Require or permit any person to file a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be investigated;

(3) Request any financial data from an applicant or licensee; and

(4) Conduct an on-site examination of a licensee at any location of the licensee without prior notice to the licensee.

(i) For the purpose of conducting any examination or investigation as provided in this Code section, the department shall have the power to administer oaths, to call any party to testify under oath in the course of such examinations or investigations, to require the attendance of witnesses, to require the production of books, accounts, records, documents, and papers, and to take the depositions of witnesses; and for such purposes the department is authorized to issue a subpoena for any witness or for the production of documentary evidence. Such subpoenas may be served by certified mail or statutory overnight delivery, return receipt requested, to the addressee's business mailing address or by examiners appointed by the department or shall be directed for service to the sheriff of the county where such witness resides or is found or where the person in custody of any books, accounts, records, documents, or papers resides or is found.

(j) The department may issue and apply to enforce subpoenas in this state at the request of any government agency, department, organization, or entity regulating cashing payment instruments in another state if the activities constituting the alleged violation for which the information is sought would be a violation of this article if the alleged activities had occurred in this state.

(k) In case of refusal to obey a subpoena issued under this article to any person, a superior court of appropriate jurisdiction, upon application by the department, may issue to the person an order requiring him or her to appear before the court to show cause why he or she should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished as contempt by the court.

(l) Examinations and investigations conducted under this article and information obtained by the department in the course of its duties under this article are confidential, except as provided in this subsection, pursuant to the provisions of Code Section 7-1-70. In addition to the exceptions set forth in subsection (b) of Code Section 7-1-70, the department is authorized to share information obtained under this article with other state and federal regulatory agencies or law enforcement authorities. In the case of such sharing, the safeguards to confidentiality already in place within such agencies or authorities shall be deemed adequate. The commissioner or an examiner specifically designated may disclose such information as is necessary to conduct a civil or administrative investigation or proceeding. Information contained in the records of the

department that is not confidential and may be made available to the public either on the department's website or upon receipt by the department of a written request shall include:

(1) The name, business address, and telephone, fax, and license numbers of a licensee;

(2) The names and titles of the principal officers;

(3) The name of the owner or owners thereof;

(4) The business address of a licensee's registered agent for service;

(5) The name, business address, telephone number, and fax number of all locations of a licensee;

(6) The terms of or a copy of any bond filed by a licensee;

(7) Information concerning any violation of this article, any rule or regulation, or order issued under this article, provided that the information is derived from a final order of the department; and

(8) Imposition of an administrative fine or penalty under this article.

(m) The authority to conduct an examination or investigation as provided for in this Code section shall remain in effect whether such licensee or person acts or claims to act under any licensing or registration law of this state or claims to act without such authority.

(n) In the absence of malice, fraud, or bad faith, a person is not subject to civil liability arising out of furnishing the department with information required by this article or required by the department under the authority granted in this article. No civil cause of action of any nature shall arise against such person:

(1) For any information relating to suspected prohibited conduct furnished to or received from law enforcement officials, their agents, or employees or to or from other regulatory or licensing authorities;

(2) For any such information furnished to or received from other persons subject to the provisions of this article; or

(3) For any information furnished in complaints filed with the department.

(o) The commissioner or any employee or agent of the department shall not be subject to civil liability, and no civil cause of action of any nature shall exist against such persons arising out of the performance of activities or duties under this article or by publication of any report of activities under this Code section.

7-1-706.1.

Without limiting the power conferred by Article 1 of this chapter, the department may make reasonable rules and regulations, not inconsistent with law, for the interpretation and enforcement of this article.

7-1-707.

(a) No licensee shall deposit with any financial institution a payment instrument it has accepted and exchanged for monetary value unless such payment instrument is endorsed by the licensee.

(b) No licensee shall receive any payment instrument with payment deferred pending collection. Payment shall be made immediately in cash for every payment instrument accepted by the licensee and exchanged for monetary value for a fee.
(c) Notwithstanding the provisions of subsection (b) of this Code section, checks may be accepted for collection with payment deferred where the licensee has posted a surety bond in the same manner as prescribed for licensed money transmitters or licensed payment instrument sellers under Code Section 7-1-683.2 and under the same conditions as set forth under Code Section 7-1-687. The surety bond shall be in the aggregate amount of $10,000.00 for each location operated by the licensee, if the licensee operates three or fewer locations, plus $5,000.00 per location for the fourth and fifth locations operated by the licensee, plus $1,000.00 for each location operated by the licensee in excess of the fifth location. The bond shall be in a form satisfactory to the department and shall run to the State of Georgia for the benefit of any claimant against the licensee arising out of the licensee's business of cashing payment instruments with payment deferred in this state. The bond shall not be canceled by either the licensee or the corporate surety except upon notice to the department by registered or certified mail or statutory overnight delivery, return receipt requested, and such cancellation shall be effective no sooner than 30 days after receipt by the department of such notice. In no event shall payment of a check be deferred past the time the licensee has collected on the check. Upon collection, payment shall be made immediately to the party from whom the licensee accepted the check.
(d) No licensee shall cash payment instruments made payable to a payee other than an individual unless such licensee has previously obtained appropriate documentation from the authorized executive officer of such payee clearly indicating the authority of the individual to cash the payment instrument on behalf of the payee.
(e) No licensee shall cash payment instruments without identification of the bearer of such instrument, and any person seeking to cash payment instruments shall be required to submit such reasonable identification as shall be prescribed by the department; provided, however, that the provisions of this subsection shall not prohibit a licensee from cashing payment instruments simultaneously with the verification and establishment of the identity of the presenter by means other than the presentation of identification.
(f) No licensee shall:
(1) Charge a fee for cashing payment instruments in excess of 5 percent of the face amount of the payment instrument or $5.00, whichever is greater;
(2) Charge a fee for cashing payment instruments in excess of 3 percent of the face amount of the payment instrument or $5.00, whichever is greater, if such payment instrument is state public assistance or a federal social security benefit made payable to the bearer of such payment instrument; or
(3) Charge a fee for cashing payment instruments in excess of 10 percent of the face amount of the payment instrument or $5.00, whichever is greater, if such payment instrument is a personal check or money order. For purposes of this subsection,

'personal check or money order' means a payment instrument drawn against the account of an individual.

(g) No licensee shall engage in any activity that would subject the licensee to suspension or revocation of its license pursuant to this article or any activity that the department may prohibit by rule or regulation.

7-1-707.1.

In every location operated by a licensee, there shall be conspicuously posted and at all times displayed a notice stating the charges for cashing payment instruments.

7-1-708.

(a) The department may suspend or revoke an original or renewal license issued pursuant to this article if it finds that any ground or grounds exist which would require or warrant the refusal of an application for the issuance or renewal of a license if such an application were then before it. The department may also deny an application or suspend or revoke an original or renewal license issued pursuant to this article if it finds that the licensee has:

(1) Committed any fraud, engaged in any dishonest activities, or made any misrepresentation;

(2) Violated any provisions of this article, any rule or regulation issued pursuant thereto, any order issued by the department, or any other law in the course of its dealings as a licensee;

(3) Made a false statement in an original or renewal application for licensure or failed to give a true reply to a question in an original or renewal application;

(4) Demonstrated incompetency or untrustworthiness to act as a licensee;

(5) Failed to pay, within 30 days after it becomes final, a judgment recovered in any court by a claimant or creditor in an action arising out of the licensee's business of cashing payment instruments;

(6) Purposely withheld, deleted, destroyed, or altered information requested by an examiner of the department or made false statements or misrepresentations to the department; or

(7) Operated in an unsafe or unsound manner.

(b) The department shall not issue a license to an applicant and may revoke a license if such applicant or licensee is subject to or employs any person subject to a final cease and desist order that has been issued within the preceding five years if such order was based on a violation of this article. Each applicant or licensee shall, before hiring a covered employee, examine the department's public records to determine that such covered employee is not subject to a cease and desist order.

(c) The department shall not issue a license to an applicant and may revoke a license if such applicant or licensee is subject to or employs any person whose license issued pursuant to this article was revoked within the preceding five years. Each applicant or licensee shall, before hiring a covered employee, examine the department's public records to determine that such covered employee's license was not revoked.

(d) The department shall not issue a license to an applicant and may revoke a license if it finds that any person who is a director, officer, partner, ultimate equitable owner of the applicant or licensee or any individual who directs the affairs of or controls or establishes policy for the applicant or licensee has been in one or more of those roles as a licensee whose application has been denied or license revoked or suspended within five years of the date of the application.

(e) Notice of the department's intention to enter an order denying an application for a license or suspending or revoking a license shall be given to the applicant or licensee in writing, sent by registered or certified mail or statutory overnight delivery addressed to the principal place of business of such applicant or licensee. If a person refuses to accept service of the notice by registered or certified mail or statutory overnight delivery, the notice or order shall be served by the commissioner or the commissioner's authorized representative under any other method of lawful service, and the person shall be personally liable to the commissioner for a sum equal to the actual costs incurred to serve the notice or order. This liability shall be paid upon notice and demand by the commissioner or the commissioner's representative and shall be assessed and collected in the same manner as other fees or fines administered by the commissioner. Within 20 days of the date of the notice of intention to enter an order of denial, suspension, or revocation under this article, the applicant or licensee may request in writing a hearing to contest the order. If a hearing is not requested in writing within 20 days of the date of such notice of intention, the department shall enter a final order regarding the denial, suspension, or revocation. Any final order of the department denying, suspending, or revoking a license shall state the grounds upon which it is based and shall be effective on the date of issuance. A copy thereof shall be forwarded promptly by mail addressed to the principal place of business of such applicant or licensee.

(f) A decision by the department denying an application for license or of an order suspending or revoking a license shall be subject to review in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(g) Whenever the department initiates an administrative action against a current licensee or an applicant, the department may pursue such action to its conclusion despite the fact that a licensee may withdraw or fail to renew its license or an applicant may withdraw its application.

(h) The suspension or revocation of a license under this Code section does not alter, ameliorate, or void a licensee's duties or liabilities under any existing contract entered into by the licensee prior to such suspension or revocation.

(i) The provisions of this Code section shall not apply when an application for a license is denied or a license is suspended as provided in Code Section 7-1-708.1.

7-1-708.1

(a) Where an applicant or licensee has been found to be a borrower in default, as defined in Code Section 20-3-295, such action shall be sufficient grounds for denial of an application or suspension of a license. In such actions, the hearing and appeal

procedures provided for in said Code section shall be the only procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in collecting outstanding student loan debt.

(b) Where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action shall be sufficient grounds for denial of an application or suspension of a license. In such actions, the hearing and appeal procedures provided for in Code Section 19-6-28.1 or 19-11-9.3 shall be the only such procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in recovering child support.

7-1-708.2.

(a) The department may issue an order requiring a person to cease and desist immediately from unauthorized activities whenever it shall appear to the department that:

(1) Except as provided in paragraph (2) of this subsection, a person has violated any law of this state or any order or regulation of the department, and such cease and desist order shall be final 20 days after it is issued unless the person to whom it is issued makes a written request within such 20 day period for a hearing; or

(2) A person not licensed under this article is engaging in or has engaged in activities requiring licensure under this article, which such cease and desist order shall be final 30 days from the date of issuance, and there shall be no opportunity for an administrative hearing. If the proper license or evidence of exemption is obtained within the 30 day period, the order shall be rescinded by the department.

(b) The cease and desist order shall be in writing, sent by registered or certified mail or statutory overnight delivery and addressed to the person's business address and, if the person is an individual, to the individual's personal address. Any cease and desist order sent to a person at its business address and, if an individual, his or her personal address that is returned to the department as 'refused' or 'unclaimed' shall be deemed as received and lawfully served.

(c) Any hearing authorized under paragraph (1) of subsection (a) of this Code section shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(d) Whenever a person shall fail to comply with the terms of a final order or decision of the department issued pursuant to this article, the department may, through the Attorney General and upon notice of three days to such person, petition the principal court for an order directing such person to obey the order of the department within the period of time as shall be fixed by the court. Upon the filing of such petition, the court shall allow a motion to show cause why it should not be granted. After a hearing upon the merits or after failure of such person to appear when ordered, the court shall grant the petition of the department upon a finding that the order of the department was properly issued.

(e) Any person who violates the terms of any final order or decision issued pursuant to this article shall be liable for a civil penalty not to exceed $1,000.00. Each day the violation continues shall constitute a separate offense. In determining the amount of penalty, the department shall take into account the appropriateness of the penalty relative to the size of the financial resources of such person, the good faith efforts of such person to comply with the order, the gravity of the violation, the history of previous violations by such person, and such other factors or circumstances as shall have contributed to the violation. The department may at its discretion compromise, modify, or refund any penalty which is subject to imposition or has been imposed pursuant to this Code section. Any person assessed as provided in this subsection shall have the right to request a hearing into the matter within ten days after notification of the assessment has been served upon the licensee involved; otherwise, such penalty shall be final except as to judicial review as provided in Code Section 7-1-90.
(f) Judicial review of any final order or decision of the department entered pursuant to this article shall be available solely in the superior court of the county of domicile of the department.
(g) In addition to any other administrative penalties authorized by this article, the department may, by rule or regulation, prescribe administrative fines for violations of this article and any rules and regulations promulgated by the department pursuant to this article.

7-1-709.
Any person, partnership, association, or corporation and the several members, officers, directors, agents, ultimate equitable owners, and employees thereof that shall violate any of the provisions of this article shall be guilty of a misdemeanor, which shall be punishable by imprisonment for not more than one year or by a fine of not more than $500.00, or by both such fine and imprisonment.

7-1-709.1.
Nothing in this article shall limit any statutory or common law right of any person to bring any action in any court for any act involved in cashing payment instruments or the right of the state to punish any person for any violation of any law.

7-1-709.2.
Every license in force and effect under Article 4A of Chapter 1 of this title, relating to cashing checks, drafts, or money orders for consideration, on the date of enactment of this article shall remain in full force and effect on the effective date of this article, and all such existing licensees shall be required to renew their licenses pursuant to Code Section 7-1-704."

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	N Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Jones, J	Y Prince	Y Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
N Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Scott	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 172, nays 3.

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

HB 1052. By Representatives Coomer of the 14th, Golick of the 40th, Jones of the 62nd, Hightower of the 68th, Pak of the 108th and others:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to create the offense of murder in the second degree; to change provisions relating to murder; to provide for penalties; to amend Titles 15, 16, and 31, Code Section 35-3-190, Title 42, and Code Section 49-2-14.1 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, health, the state-wide alert system for unapprehended murder or rape suspects determined to be serious public threats, penal institutions, and records check requirements for the Department of Human Services, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to create the offense of murder in the second degree; to change provisions relating to murder; to provide for penalties; to amend Titles 15, 16, and 31, Code Section 35-3-190, Title 42, and Code Section 49-2-14.1 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, health, the state-wide alert system for unapprehended murder or rape suspects determined to be serious public threats, penal institutions, and records check requirements for the Department of Human Services, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsections (c) and (d) of and adding a new subsection to Code Section 16-5-1, relating to murder and felony murder, as follows:

"(c) A person ~~also~~ commits the offense of murder when, in the commission of a felony, he <u>or she</u> causes the death of another human being irrespective of malice.

<u>(d) A person commits the offense of murder in the second degree when, in the commission of cruelty to children in the second degree, he or she causes the death of another human being irrespective of malice.</u>

~~(d)~~<u>(e)(1)</u> A person convicted of the offense of murder shall be punished by death, by imprisonment for life without parole, or by imprisonment for life.

(2) A person convicted of the offense of murder in the second degree shall be punished by imprisonment for not less than ten nor more than 30 years."

PART II

SECTION 2-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising paragraph (3) of subsection (b) of Code Section 15-1-16, relating to mental health court divisions, as follows:

"(3) Each mental health court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, probation officers, and persons having expertise in the field of mental health. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the mental health court division. The work plan shall include mental health court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that mental health court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The mental health court division shall combine judicial supervision, treatment of mental health court division participants, and drug and mental health testing. Defendants charged with murder, murder in the second degree, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the mental health court division, except in the case of a separate court supervised reentry program designed to more closely monitor mentally ill offenders returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph."

SECTION 2-2.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 15-11-203, relating to when reasonable efforts by DFCS are not required, as follows:

"(2) Has been convicted of the murder or murder in the second degree of another child of such parent;"

SECTION 2-3.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 15-11-233, relating to termination of parental rights, as follows:

"(3) The court has made a determination that the parent of a child adjudicated as a dependent child has been convicted of:

(A) The murder of another child of such parent;

(B) Murder in the second degree of another child of such parent;
~~(B)~~(C) Voluntary manslaughter of another child of such parent;
~~(C)~~(D) Voluntary manslaughter of the other parent of such child;
~~(D)~~(E) Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of another child of such parent;
~~(E)~~(F) Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of the other parent of such child; or
~~(F)~~(G) Committing felony assault that has resulted in serious bodily injury to such child or to another child of such parent."

SECTION 2-4.

Said title is further amended by revising paragraph (1) of subsection (b) of Code Section 15-11-560, relating to concurrent and original jurisdiction of superior court, as follows:

"(b) The superior court shall have exclusive original jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:

(1) Murder;
(2) Murder in the second degree;
~~(2)~~(3) Voluntary manslaughter;
~~(3)~~(4) Rape;
~~(4)~~(5) Aggravated sodomy;
~~(5)~~(6) Aggravated child molestation;
~~(6)~~(7) Aggravated sexual battery; or
~~(7)~~(8) Armed robbery if committed with a firearm."

SECTION 2-5.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (e) of Code Section 16-11-131, relating to possession of firearms by convicted felons and first offender probationers, as follows:

"(e) As used in this Code section, the term 'forcible felony' means any felony which involves the use or threat of physical force or violence against any person and further includes, without limitation, murder; ~~felony~~ murder in the second degree; burglary in any degree; robbery; armed robbery; kidnapping; hijacking of an aircraft or motor vehicle; aggravated stalking; rape; aggravated child molestation; aggravated sexual battery; arson in the first degree; the manufacturing, transporting, distribution, or possession of explosives with intent to kill, injure, or intimidate individuals or destroy a public building; terroristic threats; or acts of treason or insurrection."

SECTION 2-6.

Said title is further amended by revising subsection (b) of Code Section 16-11-133, relating to minimum periods of confinement for persons convicted who have prior convictions, as follows:

"(b) Any person who has previously been convicted of or who has previously entered a guilty plea to the offense of murder, murder in the second degree, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, or any felony involving the use or possession of a firearm and who shall have on or within arm's reach of his or her person a firearm during the commission of, or the attempt to commit:

(1) Any crime against or involving the person of another;

(2) The unlawful entry into a building or vehicle;

(3) A theft from a building or theft of a vehicle;

(4) Any crime involving the possession, manufacture, delivery, distribution, dispensing, administering, selling, or possession with intent to distribute any controlled substance as provided in Code Section 16-13-30; or

(5) Any crime involving the trafficking of cocaine, marijuana, or illegal drugs as provided in Code Section 16-13-31,

and which crime is a felony, commits a felony and, upon conviction thereof, shall be punished by confinement for a period of 15 years, such sentence to run consecutively to any other sentence which the person has received."

SECTION 2-7.

Said title is further amended by revising paragraph (5) of subsection (b) of Code Section 16-12-1.1, relating to child, family, or group-care facility operators prohibited from employing or allowing to reside or be domiciled persons with certain past criminal violations, as follows:

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

SECTION 2-8.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising subparagraph (a)(2)(A) of Code Section 31-2-9, relating to records check requirement for certain facilities, as follows:

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

SECTION 2-9.

Said title is further amended by revising subparagraph (H) of paragraph (2) of Code Section 31-7-250, relating to definitions for facility licensing and employee records checks, as follows:

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

SECTION 2-10.

Code Section 35-3-190 of the Official Code of Georgia Annotated, relating to the state-wide alert system for unapprehended murder or rape suspects determined to be serious public threats, is amended by revising subsection (c) as follows:

"(c) The director shall develop and implement a state-wide alert system to be activated when a suspect for the crime of murder, felony murder, or murder in the second degree

as defined in Code Section 16-5-1 or rape as defined in Code Section 16-6-1 has not been apprehended and law enforcement personnel have determined that the suspect may be a serious threat to the public."

SECTION 2-11.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Code Section 42-5-85, relating to leave privileges of inmates serving murder sentences, as follows:

"42-5-85.

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

(1) 'Aggravating ~~'aggravating~~ circumstance' means that:

~~(1)~~(A) The murder was committed by a person with a prior record of conviction for a capital felony;

~~(2)~~(B) The murder was committed while the offender was engaged in the commission of another capital felony, aggravated battery, burglary in any degree, or arson in the first degree;

~~(3)~~(C) The offender, by his or her act of murder, knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;

~~(4)~~(D) The offender committed the murder for himself, herself, or another, for the purpose of receiving money or any other thing of monetary value;

~~(5)~~(E) The murder of a judicial officer, former judicial officer, district attorney or solicitor-general, or former district attorney, solicitor, or solicitor-general was committed during or because of the exercise of his or her official duties;

~~(6)~~(F) The offender caused or directed another to commit murder or committed murder as an agent or employee of another person;

~~(7)~~(G) The murder was outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim;

~~(8)~~(H) The murder was committed against any peace officer, corrections employee, or firefighter while engaged in the performance of his or her official duties;

~~(9)~~(I) The murder was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement; or

~~(10)~~(J) The murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement of himself, herself, or another.

(2) 'Murder' means a violation of Code Section 16-5-1.

(b) No special leave, emergency leave, or limited leave privileges shall be granted to any inmate who is serving a murder sentence unless the commissioner has approved in writing a written finding by the department that the murder did not involve any aggravating circumstance.

(c) The department shall make a finding that a murder did not involve an aggravating circumstance only after an independent review of the record of the trial resulting in the conviction or of the facts upon which the conviction was based."

SECTION 2-12.

Said title is further amended by revising subsection (g) of Code Section 42-9-45, relating to general rule-making power, as follows:

"(g) No inmate serving a sentence for murder, murder in the second degree, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, or aggravated sexual battery shall be released on parole for the purpose of regulating jail or prison populations."

SECTION 2-13.

Code Section 49-2-14.1 of the Official Code of Georgia Annotated, relating to records check requirements for the Department of Human Services, is amended by revising subparagraph (a)(2)(A) as follows:

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

PART III

SECTION 3-1.

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

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

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

Y Abrams	Y Coomer	Y Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Jones, J	Prince	E Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites

Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 174, nays 0.

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

HB 1078. By Representatives Kelley of the 16th, Atwood of the 179th and Willard of the 51st:

A BILL to be entitled an Act to amend Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, so as to clarify provisions relating to juries; to revise definitions; to change provisions relating to choosing grand jurors; to provide for concurrent grand juries; to provide for a preliminary oath to be administered to grand juries; to change provisions relating to when there are insufficient persons to complete a panel of grand jurors; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following amendments were read and adopted:

Representatives Pak of the 108th, Kelley of the 16th, and Atwood of the 179th offer the following amendment:

Amend HB 1078 (LC 29 5975ER) by deleting "<u>, after consulting the district attorney,</u>" *on line 108.*

Representatives Pak of the 108th, Kelley of the 16th, and Atwood of the 179th offer the following amendment:

Amend HB 1078 (LC 29 5975ER) by replacing "<u>trial, grand, or other</u>" *with* "<u>trial or grand</u>" *on lines 13 and 14, 16 and 17, and 18.*

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 Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	Y Epps, C	Jones, J	Y Prince	E Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.
Y Buckner	Y Evans	Y Jones, S	Y Quick	Y Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
Y Carter	Y Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 176, nays 0.

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

HB 69. By Representative Benton of the 31st:

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to redemption of property sold for taxes, is amended by revising Code Section 48-4-40, relating to persons entitled to redeem land sold under tax execution, as follows:

"48-4-40.

Whenever any real property is sold under or by virtue of an execution issued for the collection of state, county, municipal, or school taxes or for special assessments, the defendant in fi. fa. or any person having any right, title, or interest in or lien upon such property may redeem the property from the sale by the payment of ~~the redemption price or~~ the amount required for redemption, as fixed and provided in Code Section 48-4-42:

(1) At any time within 12 months from the date of the sale; and

(2) At any time after the sale until the right to redeem is foreclosed by the giving of the notice provided for in Code Section 48-4-45."

SECTION 2.

Said article is further amended by revising Code Section 48-4-42, relating to the amount payable for redemption, as follows:

"48-4-42.

(a) The amount required to be paid for redemption of property from any sale for taxes as provided in this chapter~~, or the redemption price,~~ shall with respect to any sale made after July 1, 2002, be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus: ~~any~~

(1) Any taxes paid on the property by the purchaser after the sale for taxes~~, plus any~~;

(2) Any special assessments on the property~~, plus a~~; and

(3) A premium of 20 percent of the amount for the first year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made and 10 percent for each year or fraction of a year thereafter.

(b) If redemption is not made until more than 30 days after the notice provided for in Code Section 48-4-45 has been given, there shall be added to the ~~redemption price~~ sums set forth in subsection (a) of this Code section the sheriff's cost in connection with serving the notice and the cost of publication of the notice, if any.

(c) With respect to any sale made after July 1, 2014, there shall be added to the sums set forth in subsections (a) and (b) of this Code section any sums:

(1) Owed or paid from the date of the tax sale to the date of redemption to a property owners' association, as defined in Code Section 44-3-221, in accordance with Code Section 44-3-232;

(2) Owed or paid to a condominium association, as defined in Code Section 44-3-71, in accordance with Code Section 44-3-109; or

(3) Owed or paid to a homeowners' association established by covenants restricting land to certain uses related to planned residential subdivisions.

(d) All of the amounts required to be paid by this Code section shall be paid in lawful money of the United States to the purchaser at the tax sale or to the purchaser's successors."

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 Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin

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

On the passage of the Bill, by substitute, the ayes were 174, nays 0.

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

HB 390. By Representatives Mayo of the 84th, Mitchell of the 88th, Drenner of the 85th, Williams of the 87th and Kendrick of the 93rd:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for an additional exemption to the ceiling on local sales and use taxes which may be levied by a political subdivision; to provide for a maximum period of time certain local sales and use taxes may be levied; to provide for the disbursement of tax proceeds; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for an additional exemption to the ceiling on local sales and use taxes which may be levied by a political subdivision; to provide that in certain counties all qualified municipalities must agree prior to the holding of a referendum in the county; to provide for a maximum period of time certain local sales

and use taxes may be levied; 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 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, is amended in Code Section 48-8-6, related to the ceiling on local sales and use taxes, by revising paragraph (2) of subsection (a) to read as follows:

"(2) Any tax levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment; provided, however, that the exception provided for under this paragraph shall only apply:

(A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of Code Section 48-8-111 in whole or in part for the purpose or purposes of a water capital outlay project or projects, a sewer capital outlay project or projects, a water and sewer capital outlay project or projects, water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200, or any combination thereof and with respect to which the county has entered into an intergovernmental contract with a municipality, in which the average waste-water system flow of such municipality is not less than 85 million gallons per day, allocating proceeds to such municipality to be used solely for water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200. The exception provided for under this subparagraph shall apply only during the period the tax under said subparagraph (a)(1)(D) is in effect. The exception provided for under this subparagraph shall not apply in any county in which a tax is being imposed under Article 2A of this chapter; ~~or~~

(B) In a county in which the tax levied for purposes of a metropolitan area system of public transportation is first levied after January 1, 2010, and before November 1, 2012. Such tax shall not apply to the following:

(i) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport. For purposes of this division, a 'qualifying airline' means any person which is authorized by the Federal Aviation Administration or another appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire. For purposes of this division, a 'qualifying airport' means any airport in the state that has had more than 750,000 takeoffs and landings during a calendar year; and

(ii) The sale of motor vehicles; <u>or</u>

<u>(C) In a county in which a tax is levied and collected pursuant to Article 2A of Chapter 8 of Title 48;</u>"

SECTION 2.

Said chapter is further amended in Code Section 48-8-111, relating to the imposition of a county special purpose local option sales tax, by revising the introductory language and paragraphs (1) and (2) of subsection (a) to read as follows:

"(a) Prior to the issuance of the call for the referendum and prior to the vote of a county governing authority within a special district to impose the tax under this part, such governing authority may enter into an intergovernmental agreement with any or all of the qualified municipalities within the special district. Any county that desires to have a tax under this part levied within the special district shall deliver or mail a written notice to the mayor or chief elected official in each qualified municipality located within the special district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authorities of the county and of each qualified municipality are to meet to discuss the possible projects for inclusion in the referendum, including municipally owned or operated projects. The notice shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the referendum. Following such meeting, the governing authority of the county within the special district voting to impose the tax authorized by this part shall notify the county election superintendent by forwarding to the superintendent a copy of the resolution or ordinance of the governing authority calling for the imposition of the tax. Such ordinance or resolution shall specify eligible expenditures identified by the county and any qualified municipality for use of proceeds distributed pursuant to subsection (b) of Code Section 48-8-115. <u>In any county in which the provisions of subparagraph (a)(2)(C) of Code Section 48-8-6 are applicable, every qualified municipality within such county must expressly agree through an intergovernmental agreement with the county before a referendum is held in such county. If no such express agreement is reached, the tax shall not be levied or collected and the referendum shall not be conducted within the county.</u> Such ordinance or resolution shall also specify:

(1) The purpose or purposes for which the proceeds of the tax are to be used and may be expended, which purpose or purposes may consist of capital outlay projects located within or outside, or both within and outside, any incorporated areas in the county in the special district or outside the county, as authorized by subparagraph (B) of this paragraph for regional facilities, and which may include any of the following purposes:

(A) A capital outlay project consisting of road, street, and bridge purposes, which purposes may include sidewalks and bicycle paths;

(B) A capital outlay project or projects in the special district and consisting of a courthouse; administrative buildings; a civic center; a local or regional jail, correctional institution, or other detention facility; a library; a coliseum; local or regional solid waste handling facilities as defined under paragraph (27.1) or (35) of Code Section 12-8-22, as amended, excluding any solid waste thermal treatment technology facility, including, but not limited to, any facility for purposes of incineration or waste to energy direct conversion; local or regional recovered

materials processing facilities as defined under paragraph (26) of Code Section 12-8-22, as amended; or any combination of such projects;

(C) A capital outlay project or projects which will be operated by a joint authority or authorities of the county and one or more qualified municipalities within the special district;

(D) A capital outlay project or projects, to be owned or operated or both either by the county, one or more qualified municipalities within the special district, one or more local authorities within the special district, or any combination thereof;

(E) A capital outlay project consisting of a cultural facility, a recreational facility, or a historic facility or a facility for some combination of such purposes;

(F) A water capital outlay project, a sewer capital outlay project, a water and sewer capital outlay project, or a combination of such projects, to be owned or operated or both by a county water and sewer district and one or more qualified municipalities in the county;

(G) The retirement of previously incurred general obligation debt of the county, one or more qualified municipalities within the special district, or any combination thereof;

(H) A capital outlay project or projects within the special district and consisting of public safety facilities, airport facilities, or related capital equipment used in the operation of public safety or airport facilities, or any combination of such purposes;

(I) A capital outlay project or projects within the special district, consisting of capital equipment for use in voting in official elections or referendums;

(J) A capital outlay project or projects within the special district consisting of any transportation facility designed for the transportation of people or goods, including but not limited to railroads, port and harbor facilities, mass transportation facilities, or any combination thereof;

(K) A capital outlay project or projects within the special district and consisting of a hospital or hospital facilities that are owned by a county, a qualified municipality, or a hospital authority within the special district and operated by such county, municipality, or hospital authority or by an organization which is tax exempt under Section 501(c)(3) of the Internal Revenue Code, which operates the hospital through a contract or lease with such county, municipality, or hospital authority; or

(L) Any combination of two or more of the foregoing;

(2) The maximum period of time, to be stated in calendar years or calendar quarters and not to exceed five years, unless:

(A) ~~the~~ The provisions of paragraph (1) of subsection (b) or subparagraph (b)(2)(A) of Code Section 48-8-115 are applicable, in which case the maximum period of time for which the tax may be levied shall not exceed six years; or

(B) The provisions of subparagraph (a)(2)(C) of Code Section 48-8-6 are applicable and the purpose of the tax is to fund transportation and related infrastructure projects, in which case the maximum period of time for which the tax may be levied shall not exceed ten years and upon the expiration of such tax it shall not be imposed again without approval of a joint resolution of the General Assembly;"

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

On the passage of the Bill, by substitute, the ayes were 88, nays 80.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Mayo of the 84th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 390.

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

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

On the motion, the ayes were 86, nays 81.

The motion prevailed.

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

Y Abrams	N Coomer	N Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	N Hamilton	Y McClain	Y Smith, E
N Allison	Y Dawkins-Haigler	Y Harbin	N Meadows	Smith, L

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

On the passage of the Bill, by substitute, the ayes were 88, nays 82.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 954. By Representatives Harrell of the 106th, Pak of the 108th, Williamson of the 115th, Carson of the 46th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, so as to change the definition of fair market value of property; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, so as to change the definition of fair market value of property; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, is amended by revising subparagraph (B) of paragraph (3) of Code Section 48-5-2, relating to definitions regarding ad valorem taxation, as follows:

"(B) The tax assessor shall apply the following criteria in determining the fair market value of real property:

(i) Existing zoning of property;

(ii) Existing use of property, including any restrictions or limitations on the use of property resulting from state or federal law or rules or regulations adopted pursuant to the authority of state or federal law;

(iii) Existing covenants or restrictions in deed dedicating the property to a particular use;

(iv) Bank sales, other financial institution owned sales, or distressed sales, or any combination thereof, of comparable real property;

(v) Decreased value of the property based on limitations and restrictions resulting from the property being in a conservation easement; ~~and~~

(vi) <u>Rent limitations, operational requirements, and any other restrictions imposed upon the property in connection with the property being eligible for any income tax credits described in subparagraph (B.1) of this paragraph; and</u>

<u>(vii)</u> Any other existing factors provided by law or by rule and regulation of the commissioner deemed pertinent in arriving at fair market value."

SECTION 2.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 169, nays 2.

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

HB 772. By Representative Morris of the 156th:

A BILL to be entitled an Act to amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, so as to require drug testing for applicants for food stamps; to provide requirements; to provide that any person who fails such drug test shall be ineligible to receive food stamps; to provide for reapplication; to provide for children's food stamps; to provide for confidentiality of records; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, so as to provide for drug testing for applicants and recipients of food stamps or TANF benefits upon a reasonable suspicion of drug use; to provide requirements for drug testing; to provide for penalties for any person who fails a drug test; to provide for reapplication; to provide for confidentiality of records; to require photo identification for food stamp benefits through an electronic benefits transfer card; 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 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, is amended in Article 1, relating to general provisions, by adding new Code sections to read as follows:

"49-4-20.

(a) As used in this Code section, the term 'established drug test' means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs established by the United States Department of Health and Human Services or other professionally valid procedures approved by the department; provided, however, that where possible and practicable, a swab test shall be used in lieu of a urinalysis.

(b) The department shall adopt rules and regulations for an established drug test that includes the following:

(1) Which illegal drugs will be the subject of testing;

(2) Methods for assuring minimal privacy intrusions during collection of body fluid specimens for such testing;

(3) Methods for assuring proper storage, transportation, and handling of such specimens in order to ensure the integrity of the testing process;

(4) The identity of those persons entitled to the results of such tests and methods for ensuring that only authorized persons are given access to such results;

(5) A list of laboratories qualified to conduct established drug tests;

(6) A list of approved substance abuse treatment providers;

(7) Procedures for persons undergoing drug testing prior to the collection of body fluid specimens for such testing, so as to provide information regarding the use of any drug pursuant to a medical prescription or as otherwise authorized by law which may affect the results of such test; and

(8) A requirement that any applicant who demonstrates proof of active and current Medicaid benefits shall pay a drug screening application fee of no more than $17.00,

and no authorized test examiner shall conduct a drug test if an applicant demonstrates active and current Medicaid benefits unless the applicant presents a receipt proving that he or she has paid the required drug screening application fee. Eligible applicants who do not have active and current Medicaid benefits shall be responsible for paying the full cost of administering the drug test upon presentation to an authorized examiner.

(c)(1) The department shall require a drug test consistent with subsection (b) of this Code section to screen an applicant or recipient of food stamps at any time a reasonable suspicion exists that such applicant or recipient is using an illegal drug. The department may use any information obtained by the department to determine whether such reasonable suspicion exists, including, but not limited to:

(A) An applicant's or recipient's demeanor;

(B) Missed appointments and arrest or other police records;

(C) Previous employment or application for employment in an occupation or industry that regularly conducts drug screening; and

(D) Termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) The cost of drug testing shall be the responsibility of the individual tested, provided that the individual does not submit proof of active and current Medicaid benefits to subsidize the cost of such drug testing pursuant to paragraph (8) of subsection (b) of this Code section. No assistance payment shall be delayed because of the requirements of this Code section, and any payments made prior to the department's receipt of a test result showing a failure shall be recoverable.

(d) Any recipient of food stamps who tests positive for controlled substances as a result of a drug test required under this Code section shall be ineligible to receive food stamps as follows:

(1) For a first positive result, the recipient shall be ineligible for food stamps for one month and until he or she tests negative in a retest;

(2) For a second positive result, the recipient shall be ineligible for food stamps for three months and until he or she tests negative in a retest; and

(3) For a third and each subsequent positive result, the recipient shall be ineligible for food stamps for one year and until he or she tests negative in a retest unless the individual meets the requirements of subsection (f) of this Code section.

(e) The department shall:

(1) Provide notice of possible drug testing based on reasonable suspicion to each individual at the time of application. Dependent children under the age of 18 shall be exempt from the drug testing requirement;

(2) Advise each individual to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over the counter medication he or she is taking;

(3) Require each individual to be tested to sign a written acknowledgment that he or she has received and understands the notice and advice provided under paragraphs (1) and (2) of this subsection;

(4) Assure each individual being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample;

(5) Specify circumstances under which an individual who fails a drug test has the right to take one or more additional tests;

(6) Inform an individual who tests positive for a controlled substance and is deemed ineligible for food stamps for one year pursuant to paragraph (3) of subsection (d) of this Code section that the individual may reapply for food stamps six months after the date of the positive drug test if he or she meets the requirements of subsection (f) of this Code section; and

(7) Provide any individual who tests positive with a list of substance abuse treatment providers approved by the department which are available in the area in which he or she resides. Neither the department nor the state shall be responsible for providing or paying for substance abuse treatment.

(f) An individual who tests positive for an illegal drug and is denied food stamps for one year may reapply for food stamps after six months if the individual can document the successful completion of a substance abuse treatment program offered by a provider approved by the department. The cost of any drug testing provided under this Code section and substance abuse treatment shall be the responsibility of the individual being tested and receiving treatment. An individual who fails a drug test administered pursuant to subsection (c) of this Code section may reapply for food stamps under this subsection only once.

(g) If a parent is deemed ineligible for food stamps as a result of failing a drug test conducted under this Code section:

(1) The dependent child's eligibility for food stamps shall not be affected;

(2) An appropriate protective payee shall be designated to receive food stamps on behalf of the child; and

(3) The parent may choose to designate another individual to receive food stamps for the parent's minor child. The designated individual must be an immediate family member or, if an immediate family member is not available or the family member declines the option, another individual approved by the department. The designated individual shall be subject to possible drug testing based on a reasonable suspicion. If the designated individual tests positive for controlled substances, he or she shall be ineligible to receive benefits on behalf of the child.

(h) The results of any drug test performed according to this Code section shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50, relating to inspection of public records. Such results shall not be used as a part of a criminal investigation or criminal prosecution. Such results shall not be used in a civil action or otherwise disclosed to any person or entity without the express written consent of the person

tested or his or her heirs or legal representative. All such records shall be destroyed and deleted five years after the date of the test.

(I) No testing shall be required by the provisions of this Code section for any person whom the department determines is significantly hindered, because of a physical or mental handicap or developmental disability, from doing so or for any person enrolled in an enhanced primary care case management program operated by the Department of Community Health, Division of Medical Assistance to serve frail elderly and disabled beneficiaries to improve the health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services. In addition, no testing shall be required by the provisions of this Code section for any individuals receiving or on a waiting list for long-term services and supports through a non-Medicaid home and community based services program or for any individual residing in a facility such as a nursing home, personal care home, assisted living community, intermediate care facility for the intellectually or developmentally disabled, community living arrangement, or host home.

(j) The department shall adopt rules to implement this Code section.

49-4-21.

Each recipient of food stamp benefits shall present photo identification when using an electronic benefits transfer card, and each retailer shall request and inspect such photo identification at each transaction to ensure that the individual presenting the electronic benefits transfer card is the person identified by the photo identification. Failure to request such photo identification and perform such verification of identity shall result in the suspension of the retailer's privilege of accepting electronic benefits transfer cards for payment of any transactions for a period of one month for each offense. The department is authorized to promulgate regulations necessary to implement the provisions of this Code section."

SECTION 2.

Said chapter is further amended by revising Code Section 49-4-193, relating to established drug testing for TANF benefits, as follows:

"49-4-193.

(a) As used in this Code section, the term 'established drug test' means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs ~~(53 C.F.R. 11979, et seq., as amended)~~ established by the United States Department of Health and Human Services or other professionally valid procedures approved by the department; provided, however, that where possible and practicable, a swab test shall be used in lieu of a urinalysis.

(b) The department shall adopt rules and regulations for an established drug test which shall include the following:

(1) Which illegal drugs will be the subject of testing;

(2) Methods for assuring minimal privacy intrusions during collection of body fluid specimens for such testing;
(3) Methods for assuring proper storage, transportation, and handling of such specimens in order to ensure the integrity of the testing process;
(4) The identity of those persons entitled to the results of such tests and methods for ensuring that only authorized persons are given access to such results;
(5) A list of laboratories qualified to conduct established drug tests;
(6) A list of approved substance abuse treatment providers;
(7) Procedures for persons undergoing drug testing, prior to the collection of body fluid specimens for such testing, to provide information regarding use of any drug pursuant to a medical prescription or as otherwise authorized by law which may affect the results of such test; and
(8) ~~A requirement that the test be conducted no later than 48 hours after the application is approved by the department for TANF eligibility. Proof of eligibility from the department shall be issued to the applicant. The applicant shall show proof of eligibility to an authorized test examiner prior to submitting to the test; and~~
~~(9)~~ A requirement that any applicant who demonstrates proof of active and current Medicaid benefits shall pay a drug screening application fee of no more than $17.00, and no authorized test examiner shall conduct a drug test if an applicant demonstrates active and current Medicaid benefits unless the applicant presents a receipt proving that he or she has paid the required drug screening application fee. Eligible applicants who do not have active and current Medicaid benefits shall be responsible for paying the full cost of administering the drug test upon presentation to an authorized examiner.
(c)(1) The department shall require a drug test consistent with subsection (b) of this Code section to screen ~~each individual who applies for assistance~~ an applicant or recipient at any time a reasonable suspicion exists that such applicant or recipient is using an illegal drug. The department may use any information obtained by the department to determine whether such reasonable suspicion exists, including, but not limited to:
(A) An applicant's or recipient's demeanor;
(B) Missed appointments and arrest or other police records;
(C) Previous employment or application for employment in an occupation or industry that regularly conducts drug screening; and
(D) Termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.
(2) The cost of drug testing shall be the responsibility of the individual tested, provided that the individual does not submit proof of active and current Medicaid benefits to subsidize the cost of such drug testing pursuant to paragraph ~~(9)~~(8) of subsection (b) of this Code section. No assistance payment shall be delayed because

of the requirements of this Code section, and any payments made prior to the department's receipt of a test result showing a failure shall be recoverable.

(d) Any recipient of cash assistance under this article who tests positive for controlled substances as a result of a drug test required under this Code section shall be ineligible to receive TANF benefits as follows:

(1) For a first positive result, the recipient shall be ineligible for TANF benefits for one month and until he or she tests negative in a retest;

(2) For a second positive result, the recipient shall be ineligible for TANF benefits for three months and until he or she tests negative in a retest; and

(3) For a third and each subsequent positive result, the recipient shall be ineligible for TANF benefits for one year and until he or she tests negative in a retest unless the individual meets the requirements of subsection (f) of this Code section.

(e) The department shall:

(1) Provide notice of possible drug testing based on reasonable suspicion to each individual at the time of application. ~~The notice shall advise the individual that drug testing will be conducted as a condition for receiving TANF benefits and that the individual shall bear the cost of testing. If the individual tests negative for controlled substances, the department shall increase the amount of the initial TANF benefit by the amount paid by the individual for the drug testing. However, if the individual used an active and current Medicaid benefit pursuant to paragraph (9) of subsection (b) of this Code section to subsidize the cost of the test, the individual shall not be eligible for direct TANF reimbursement. The individual shall be advised that the required drug testing may be avoided if the individual does not apply for TANF benefits.~~ Dependent children under the age of 18 are exempt from the drug testing requirement;

~~(2) Require that for two-parent families, one parent shall comply with the drug testing requirement;~~

~~(3) Require that any teen parent who is not required to live with a parent, legal guardian, or other adult caretaker relative shall comply with the drug testing requirement;~~

~~(4)~~(2) Advise each individual to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over the counter medication he or she is taking;

~~(5)~~(3) Require each individual to be tested to sign a written acknowledgment that he or she has received and understood the notice and advice provided under paragraphs (1) and ~~(4)~~(2) of this subsection;

~~(6)~~(4) Assure each individual being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample;

~~(7)~~(5) Specify circumstances under which an individual who fails a drug test has the right to take one or more additional tests;

~~(8)~~(6) Inform an individual who tests positive for a controlled substance and is deemed ineligible for TANF benefits for one year pursuant to paragraph (3) of

subsection (d) of this Code section that the individual may reapply for those benefits six months after the date of the positive drug test if he or she meets the requirements of subsection (f) of this Code section; and

~~(9)~~(7) Provide any individual who tests positive with a list of substance abuse treatment providers approved by the department which are available in the area in which he or she resides. Neither the department nor the state shall be responsible for providing or paying for substance abuse treatment.

(f) An individual who tests positive for an illegal drug and is denied TANF benefits for one year may reapply for TANF benefits after six months if the individual can document the successful completion of a substance abuse treatment program offered by a provider approved by the department. ~~An individual who has met the requirements of this subsection and reapplies for TANF benefits shall also pass an initial drug test and meet the requirements of subsection (c) of this Code section. Any drug test conducted while the individual is undergoing substance abuse treatment shall meet the requirements of subsection (b) of this Code section.~~ The cost of any drug testing provided under this Code section and substance abuse treatment shall be the responsibility of the individual being tested and receiving treatment. An individual who fails the drug test required under subsection (c) of this Code section may reapply for TANF benefits under this subsection only once.

(g) If a parent is deemed ineligible for TANF benefits as a result of failing a drug test conducted under this Code section:

(1) The dependent child's eligibility for TANF benefits shall not be affected;

(2) An appropriate protective payee shall be designated to receive benefits on behalf of the child; and

(3) The parent may choose to designate another individual to receive benefits for the parent's minor child. The designated individual must be an immediate family member or, if an immediate family member is not available or the family member declines the option, another individual approved by the department. The designated individual shall ~~also undergo~~ be subject to possible drug testing based on a reasonable suspicion ~~before being approved to receive benefits on behalf of the child~~. If the designated individual tests positive for controlled substances, he or she shall be ineligible to receive benefits on behalf of the child.

(h) The results of any drug test done according to this Code section shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50, relating to inspection of public records. Such results shall not be used as a part of a criminal investigation or criminal prosecution. Such results shall not be used in a civil action or otherwise disclosed to any person or entity without the express written consent of the person tested or his or her heirs or legal representative. All such records shall be destroyed and deleted five years after the date of the test.

(i) No testing shall be required by the provisions of this Code section for any person whom the department determines is significantly hindered, because of a physical or mental handicap or developmental disability, from doing so or for any person enrolled in an enhanced primary care case management program operated by the Department of

Community Health, Division of Medical Assistance to serve frail elderly and disabled beneficiaries to improve the health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services. In addition, no testing shall be required by the provisions of this Code section for any individuals receiving or on a waiting list for long-term services and supports through a non-Medicaid home and community based services program or for any individual residing in a facility such as a nursing home, personal care home, assisted living community, intermediate care facility for the mentally retarded, community living arrangement, or host home.

(j) The department shall adopt rules to implement this Code section."

SECTION 3.

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

The following amendment was read:

Representative Morris of the 156th offers the following amendment:

Amend the House Committee on Judiciary substitute to HB 772 (LC 33 5575S) by striking lines 5 and 6 and inserting in lieu thereof the following:

reapplication; to provide for confidentiality of records; to require that electronic benefits transfer cards for food stamp benefits contain a photo of the recipient; to provide for an effective date; to provide for related

By striking lines 136 through 145 and inserting in lieu thereof the following:

49-4-21.

(a) The department shall require that all electronic benefits transfer cards which include food stamp benefits contain a photograph of one or more members of a household who are authorized to use such food stamp benefits. The department is authorized to promulgate regulations necessary to implement the provisions of this Code section.

(b) This Code section shall become effective on January 1, 2016."

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

N Abrams	Y Coomer	N Gregory	Y McCall	Sims, C
N Alexander	Y Cooper	Y Hamilton	N McClain	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harbin	Y Meadows	Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	N Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	N Henson	N Mosby	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	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	Y 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 Efstration	N Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
N Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
N Bruce	N Epps, C	Jones, J	N Prince	Y Teasley
N Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
N Buckner	N Evans	N Jones, S	N Quick	Y Turner
Y Burns	Y Fleming	N Jordan	Y Ramsey	N Waites
Y Caldwell, J	N Floyd	N Kaiser	N Randall	Y Watson, B
Y Caldwell, M	N Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Welch
Y Carter	N Frye	N Kidd	Y Roberts	Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	N Wilkerson
Y Chandler	N Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	N Williams, A
Y Cheokas	N Glanton	N Mabra	N Scott	Y Williams, C
Y Clark, J	Y Golick	N Marin	Y Setzler	N Williams, E
Y Clark, V	N Gordon	Y Martin	N Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	N Greene	N Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the amendment, the ayes were 109, nays 64.

The amendment was adopted.

The Committee substitute, as amended, was adopted.

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

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

N Abrams	Y Coomer	N Gregory	Y McCall	N Sims, C
N Alexander	Y Cooper	Y Hamilton	N McClain	N Smith, E
Y Allison	N Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	N Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	N Henson	N Mosby	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	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	Y 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 Efstration	N Jackson	N Pezold	N Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
N Brooks	Y England	Y Jasperse	Powell, J	Y Taylor, T
N Bruce	N Epps, C	Jones, J	N Prince	Y Teasley
N Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
N Buckner	N Evans	N Jones, S	N Quick	Y Turner
Y Burns	Y Fleming	N Jordan	Y Ramsey	N Waites
Y Caldwell, J	N Floyd	N Kaiser	N Randall	Y Watson, B
Y Caldwell, M	N Fludd	Y Kelley	Y Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Welch
Y Carter	N Frye	N Kidd	Y Roberts	Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, C	N Wilkerson
Y Chandler	N Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	N Williams, A
Y Cheokas	N Glanton	N Mabra	N Scott	Y Williams, C
Y Clark, J	Y Golick	Marin	Y Setzler	N Williams, E
Y Clark, V	N Gordon	Y Martin	N Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	N Greene	N Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 107, nays 66.

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

The Speaker assumed the Chair.

HB 876. By Representatives Harbin of the 122nd, Parrish of the 158th, Powell of the 32nd, Smyre of the 135th, Channell of the 120th and others:

A BILL to be entitled an Act to amend Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, so as to provide that certain boards and commissions shall receive the same per diem as members of the General Assembly; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, so as to provide that certain boards and commissions shall receive the same per diem as members of the General Assembly; to provide that daily expense allowances are authorized only if the member of the board or commission is physically present at the meeting of the board or commission; to amend Code Section 50-1-5 of the Official Code of Georgia Annotated, relating to meetings by teleconference or other similar means, so as to provide that members of boards, bodies, committees, or commissions of state government that participate in meeting by teleconference or other similar means and are not physically present at the meeting of the board, body, committee, or commission shall not be entitled to daily expense allowances for such meeting; 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 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, is amended by revising subsection (b) and by adding two new subsections to read as follows:

"(b) ~~Whenever~~ With the exception of the State Personnel Board, the State Transportation Board, the Veterans Service Board, the Board of Natural Resources, and the State Board of Education, whenever this Code section or any other law of this state provides that members of any board, commission, or other body shall receive the same daily expense allowance as members of the General Assembly, whether by specific reference to this Code section or any other law or by a more general reference, the members of such board, commission, or other body shall receive a daily expense allowance of $105.00. Such $105.00 amount shall apply for members of such boards, commissions, and other bodies, regardless of whether the amount actually received by members of the General Assembly under Code Section 28-1-8 is more or less than $105.00. The provisions of this subsection shall control over any conflicting provisions of any other earlier enacted law.

(c) The daily expense allowance provided for in subsection (a) of this Code section for members of the State Transportation Board, the Veterans Service Board, the Board of Natural Resources, and the State Board of Education shall be the same daily expense allowance as members of the General Assembly actually receive under Code Section 28-1-8. Members of the State Personnel Board shall also receive the same daily expense allowance as members of the General Assembly actually receive under Code Section 28-1-8.

(d) A member of a board, committee, commission, or other body subject to this Code section who does not physically attend the meeting of the board, committee, commission, or other body but participates in such meeting by telephone conference call, two-way interactive closed circuit television or satellite television signal, or any

other similar method which allows each member of the board or body participating in the meeting to hear and speak to each other member participating in the meeting shall not be eligible to receive the daily expense allowance under this Code section. Daily expense allowances under this Code section shall be allowed only for members who are physically present at meetings of their respective boards, committees, commissions, or other bodies subject to this Code section."

SECTION 2.

Code Section 50-1-5 of the Official Code of Georgia Annotated, relating to meetings by teleconference or other similar means, is amended by adding a new subsection to read as follows:

"(d) A member of a board, body, committee, or commission who does not physically attend the meeting of the board, body, committee, or commission but participates in such meeting by telephone conference call, two-way interactive closed circuit television or satellite television signal, or any other similar method pursuant to this Code section shall not be eligible to receive a daily expense allowance or per diem for such meeting. Daily expense allowances and per diem shall be allowed only for members who are physically present at meetings of their respective boards, bodies, committees, or commissions."

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 Gregory	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Hamilton	N McClain	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	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
N Bentley	Y Dudgeon	Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D

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

On the passage of the Bill, by substitute, the ayes were 166, nays 3.

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

HB 969. By Representatives Smith of the 134th, Taylor of the 173rd, Stephens of the 164th, Sims of the 123rd, Smyre of the 135th and others:

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 tax, so as to provide a new exemption from state sales and use tax only for a limited period of time regarding the sale or use of tangible personal property to certain nonprofit health centers; to provide a new exemption for a limited period of time with respect to certain nonprofit volunteer health clinics; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide a new exemption from state sales and use tax only for a limited period of time regarding the sale or use of tangible personal property to certain nonprofit health centers; to provide a new exemption for a limited period of time with respect to certain nonprofit volunteer health clinics; to provide for an exemption for a civil rights museum; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by revising subparagraph (A) of paragraph (7.05), paragraph (7.3), and paragraph (88) as follows:

"(7.05)(A) For the period commencing on July 1, ~~2008~~ 2014, and ending on June 30, ~~2010~~ 2017, sales of tangible personal property to a nonprofit health center in this state which has been established under the authority of and is receiving funds pursuant to the United States Public Health Service Act, 42 U. S. C. Section 254b if such health clinic obtains an exemption determination letter from the commissioner."

"(7.3) For the period commencing July 1, ~~2008~~ 2014, and ending June 30, ~~2010~~ 2017, sales of tangible personal property and services to a nonprofit volunteer health clinic which primarily treats indigent persons with incomes below 200 percent of the federal poverty level and which property and services are used exclusively by such volunteer health clinic in performing a general treatment function in this state when such volunteer health clinic is a tax exempt organization under the Internal Revenue Code and obtains an exemption determination letter from the commissioner;"

"(88)(A) Notwithstanding any provision of Code Section 48-8-63 to the contrary, from July 1, 2009, until July 30, 2015, sales of tangible personal property to, or used in or for the new construction of, a civil rights museum.

(B) As used in this paragraph, the term 'civil rights museum' means a museum which is constructed after July 1, 2009; is owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; has more than ~~70,000~~ 40,000 square feet of space; and has associated facilities, including, but not limited to, special event space and retail space.

(C) Any person making a sale of tangible personal property for the purpose specified in this paragraph shall collect the tax imposed on this sale unless the purchaser furnishes such person with an exemption determination letter issued by the commissioner certifying that the purchaser is entitled to purchase the tangible personal property without paying the tax.

(D) The exemption provided for under subparagraph (A) of this paragraph shall not apply to sales of tangible personal property that occur after the museum is opened to the public;"

SECTION 2.

This Act shall become effective on July 1, 2014.

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

On the passage of the Bill, by substitute, the ayes were 167, nays 2.

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

Representative O'Neal of the 146th moved that the House do now adjourn until 1:00 o'clock, tomorrow afternoon, and the motion prevailed.

The Speaker announced the House adjourned until 1:00 o'clock, tomorrow afternoon.