Representative Hall, Atlanta, Georgia

Thursday, March 20, 2014

Fortieth Legislative Day

The House met pursuant to adjournment at 9:30 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	Cooke	Greene	Mayo	Shaw
Alexander	Coomer	Gregory	McCall	Sims, B
Allison	Dawkins-Haigler	Hamilton	McClain	Smith, E
Atwood	Deffenbaugh	Harbin	Meadows	Smith, L
Ballinger	Dempsey	Harden	Mitchell	Smith, R
Barr	Dickerson	Harrell	Moore	Smyre
Battles	Dickey	Hatchett	Morris	Spencer
Bell	Dickson	Hawkins	Mosby	Stephens, M
Bennett	E Dollar	E Henson	Nimmer	Stephens, R
Bentley	Douglas	Hightower	Nix	E Stovall
Benton	E Drenner	Hitchens	O'Neal	Stover
Black	Dudgeon	Holcomb	E Pak	Strickland
Braddock	Dukes	Holmes	Parrish	Tankersley
Broadrick	Dunahoo	Holt	Parsons	Tanner
Brockway	Duncan	Houston	Pezold	Tarvin
Brooks	Dutton	Howard	Powell, A	Taylor, D
Bruce	Efstration	Hugley	Powell, J	Taylor, T
Bryant	Ehrhart	Jackson	Prince	Teasley
Buckner	England	Jasperse	Pruett	Thomas, A.M.
Burns	Epps, J	Jones, J	Quick	Turner
Caldwell, J	Evans	Jones, L	Ramsey	Waites
Caldwell, M	Fleming	Jones, S	Randall	Watson, B
Carson	Fludd	Kaiser	Rice	Watson, S
Carter	Frazier	Kelley	Riley	Welch
Casas	Frye	Kidd	Roberts	Wilkerson
Chandler	Gardner	Kirby	Rogers, C	Wilkinson
Channell	Gasaway	Knight	Rogers, T	Willard
Chapman	E Geisinger	Lumsden	E Rutledge	Williams, C
Cheokas	Glanton	Mabra	Rynders	Williams, E
Clark, J	Golick	Marin	Scott	Williamson
Clark, V	Gordon	Martin	Setzler	Yates
Coleman	Gravley	Maxwell	Sharper	Ralston, Speaker

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

Representatives Anderson of the 92nd, Beverly of the 143rd, Fullerton of the 153rd, Jacobs of the 80th, Jordan of the 77th, Kendrick of the 93rd, Lindsey of the 54th, Morgan of the 39th, Oliver of the 82nd, Peake of the 141st, Sims of the 169th, Stephenson of the 90th, Talton of the 147th, Weldon of the 3rd, and Williams of the 168th.

They wished to be recorded as present.

Prayer was offered by Pastor Chan Mitchell, The Ridge Community Church, Blue Ridge, 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 511 G
Atlanta, Georgia 30334

March 20, 2014

To: Bill Reilly

I am submitting this request to enter a "No" vote on SR 415. Also let the record show that I hit the "No" button on my machine and it did not register my vote.

/s/ Henry Wayne Howard

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 Bill and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1153. By Representatives Dawkins-Haigler of the 91st, Brooks of the 55th and Scott of the 76th:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse, so as to repeal the statute relating to no duty to retreat prior to the use of force and to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 1864. By Representative Kelley of the 16th:

A RESOLUTION proposing an amendment to the Constitution so as to limit the rate of growth in the state budget, with such limitation based upon changes in the Consumer Price Index and population growth; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Budget and Fiscal Affairs Oversight.

HR 1865. By Representatives Dawkins-Haigler of the 91st, Brooks of the 55th, Stephenson of the 90th and Williams of the 168th:

A RESOLUTION creating the House Study Committee on Voter Registration and Voting; and for other purposes.

Referred to the Committee on Governmental Affairs.

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 1155. By Representative Lindsey of the 54th:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for a short title and findings; to require health plans to provide coverage for hearing aids for certain individuals; to provide for the frequency of

replacement of hearing aids; to provide for coverage of services and supplies; to provide options for higher priced devices; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1156. By Representative Lindsey of the 54th:

A BILL to be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to require certain insurance coverage for physician prescribed special dietary foods or formulas for specific chronic medical conditions; to provide a short title; to provide for definitions; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

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

HB 1148	HB 1149
HB 1150	HB 1151
HB 1152	HB 1154
HR 1829	HR 1830
HR 1861	HR 1862
HR 1863	SB 426
SB 430	

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

SB 420	Do Pass	SB 421	Do Pass
SB 424	Do Pass	SB 425	Do Pass, as Amended

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

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

SB 420. By Senator Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of McIntosh County, approved February 26, 1876 (Ga. L. 1876, p. 283), as amended, particularly by an Act approved February 27, 2012 (Ga. L. 2012, p. 3653), so as to change the description of the commissioner districts; 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 421. By Senator Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend an Act creating the Board of Education of McIntosh County, approved March 14, 1980 (Ga. L. 1980, p. 3112), as amended, particularly by an Act approved February 27, 2012 (Ga. L. 2012, p. 3646), so as to change the description of the education districts; 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 424. By Senators Tippins of the 37th, Hill of the 32nd, Hill of the 6th, Beach of the 21st and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3695), so as to change the compensations of the clerk and the chief deputy clerk of the State Court of Cobb County; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 425. By Senators Tippins of the 37th, Hill of the 32nd, Hill of the 6th, Beach of the 21st and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court

of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), so as to change the compensation of the chief deputy, the chief investigator, and the executive assistant to the sheriff; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee amendment was read:

Amend SB 425 (LC 21 2524) by replacing line 4 with the following:

approved May 12, 2008 (Ga. L. 2008, p. 3702) and an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), so as to change the compensation of the deputy clerk of the superior court, the chief

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively, and by replacing lines 12 and 13 with the following:

approved May 12, 2008 (Ga. L. 2008, p. 3702) and an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), is amended by striking subsection (b) of Section 4 thereof and inserting in its place a new subsection (b) to read as follows:

"(b) The clerk of the superior court shall be allowed a deputy clerk whose annual salary shall be $98,303.60 to be paid in equal monthly installments from the funds in the county treasury. Any candidate for the office of clerk of the Superior Court of Cobb County shall, on the date of his or her qualification for such office in either a primary or general election, certify to the judge of the Probate Court of Cobb County the name of the person he or she shall appoint as deputy clerk in the event he or she is elected to the office of clerk; and the person so named and certified by the successful candidate for such office shall serve as the deputy clerk during the term for which he or she was so named. In the event of the death or removal from office of said deputy clerk, the clerk of the superior court shall have 30 days from said date of death or removal from office of said deputy clerk to certify to the judge of the Probate Court of Cobb County the name of the new deputy clerk to be appointed. In addition to said deputy clerk, the clerk of the Superior Court of Cobb County shall be authorized and empowered to employ the clerical help necessary to perform properly the functions and duties of the office, provided that the number of employees and salaries or other compensation to be paid to each shall first be approved by the governing authority of Cobb County."

SECTION 2.

Said Act is further amended by revising subsections (b), (c), and (d) of Section 5 as follows:

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

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

HB 857. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend an Act revising and reenacting the law creating a Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, so as to remove the limitation regarding membership of the chairperson and commissioners on boards and authorities; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act revising and reenacting the law creating a Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, so as to revise provisions regarding membership of the chairperson and commissioners on certain boards and authorities; 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 revising and reenacting the law creating a Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, is amended by revising Section 3 as follows:

"SECTION 3.

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

(b) In order to be elected or appointed as a member of the board from a commissioner district, a person must have resided in that commissioner district for at least 12 months prior to election or appointment thereto and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to

reside in that district during that person's term of office or that office shall become vacant. The appointment by the chairperson of any commissioner to a local governing or advisory board shall be subject to a majority vote of the board of commissioners; provided, however, that no commissioner shall serve on more than two additional local governing or advisory boards.

(c) The member of the board who is chairperson of the board may reside anywhere within Bacon County and, if elected, must receive the number of votes cast for that office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office or that office shall become vacant. The chairperson shall not serve on any public board or authority or any entity which receives funds from the county, either directly or indirectly, or any entity for which the county is responsible, in whole or in part, for such entity's indebtedness, while serving as chairperson unless expressly required to do so by general law or the Constitution of Georgia or unless membership on any such public board or authority is in an ex officio capacity as a result of service as chairperson of the board of commissioners; provided, however, that the chairperson shall be allowed to serve on any state or federal board or authority if such service is not in violation of state or federal law."

SECTION 2.

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

The following amendment was read and adopted:

Representative Sims of the 169th offers the following amendment:

Amend the substitute to HB 857 (LC 40 0621S) by striking line 4 and inserting in lieu thereof the following:

and authorities; to require reporting of the expenditure of county funds by certain county entities; to provide for related matters; to repeal conflicting laws; and for other

By striking line 27 and inserting in lieu thereof the following:

other than the chairperson shall serve on more than two additional local governing or advisory boards.

By striking line 39 and inserting in lieu thereof the following:

authority if such service is not in violation of state or federal law.

(d) All boards, authorities, and created entities that receive funds from the county, directly or indirectly, and any entity for which the county is responsible, in whole or in part, shall provide the board with the following:

(1) A full audit of all county moneys acquired and spent;

(2) Access to any bank statements, accounts, and monetary holdings of county funds; and

(3) A full audit annually given to the board in an open meeting of the board at a time set by the board.

(e) Failure to meet the requirements of subsection (d) of this section shall result in immediate termination of funding and the initiation of a forensic audit at the direction of the board.

(f) Reportable funds under subsection (d) of this section shall include all LOST, SPLOST, and grants from the state or federal government that are administered by the board."

HB 858. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to amend an Act authorizing the Recorder's Court of Columbus, Georgia, to impose and collect a technology fee for each fine imposed, approved May 7, 2013 (Ga. L. 2013, p. 4414), so as to increase the amount of such fee; to repeal an automatic repeal of such Act; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act authorizing the Recorder's Court of Columbus, Georgia, to impose and collect a technology fee for each fine imposed, approved May 7, 2013 (Ga. L. 2013, p. 4414), so as to increase the amount of such fee; to repeal an automatic repeal of such Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act authorizing the Recorder's Court of Columbus, Georgia, to impose and collect a technology fee for each fine imposed, approved May 7, 2013 (Ga. L. 2013, p. 4414), is amended by revising Section 1 as follows:

"SECTION 1.

Upon a finding by the chief judge of the Recorder's Court of Columbus, Georgia, that a need exists for imposition and collection of a technology fee, the clerk of court shall be entitled to charge and collect a technology fee to be set by the court, not to exceed $25.00, as a surcharge to each fine imposed. Technology fees shall be used exclusively to provide for the technological needs of the court as follows: computer hardware purchase, lease, maintenance, and installation; imaging, scanning, facsimile, communications, projection, and printing equipment; and software purchase, lease,

maintenance, development, and installation. The funds collected pursuant to this authorization shall be maintained in a segregated fund by the clerk of court and shall be used only for the purposes authorized in this section."

SECTION 2.

Said Act is further amended by repealing Section 2 of said Act.

SECTION 3.

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

HB 978. By Representatives Stephens of the 164th, Hitchens of the 161st, Bryant of the 162nd, Stephens of the 165th, Gordon of the 163rd and others:

A BILL to be entitled an Act to amend an Act creating the Georgia International and Maritime Trade Center Authority, approved April 21, 1995 (Ga. L. 1995, p. 4499), as amended, so as to change the provisions relating to the membership of such authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Georgia International and Maritime Trade Center Authority, approved April 21, 1995 (Ga. L. 1995, p. 4499), as amended, so as to change the provisions relating to the membership of such authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Georgia International and Maritime Trade Center Authority, approved April 21, 1995 (Ga. L. 1995, p. 4499), as amended, is amended by revising subsection (b) of Section 3 to read as follows:

"(b) The authority shall consist of the following membership: one member appointed by each member of the Georgia General Assembly representing a portion of Chatham County; one member appointed by the majority vote of the Board of Commissioners of Chatham County; one member appointed by the majority vote of the mayor and aldermen of the City of Savannah; the president of the Savannah Economic Development Authority, who shall serve ex officio and have a vote; and the president of the Savannah Area Convention and Visitors' Bureau, who shall serve ex officio and

have a vote. The terms of all members except the ex officio members shall be for three years."

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.

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

On the passage of the Bills, on the agreement to the Senate substitutes, and on the agreement to the Senate substitute as amended by the House, 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
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 Coomer
Cooper
Y Dawkins-Haigler
Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
E Dollar
Douglas
E Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Dutton
Y Efstration
Y Ehrhart
Y England
Epps, C
Y Epps, J
Y Evans
Y Fleming
Floyd
Y Fludd
Frazier
Y Frye
Y Fullerton
Y Gardner
Y Gasaway
E Geisinger
Glanton
Y Golick
Y Gordon
Gregory
Y Hamilton
Y Harbin
Y Harden
Harrell
Y Hatchett
Y Hawkins
E Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Holt
Y Houston
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 McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
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
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Sims, C
Y Smith, E
Y Smith, L
Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
E 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
Williams, E
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 Bills, on the agreement to the Senate substitutes, and on the agreement to the Senate substitute as amended by the House, the ayes were 151, nays 1.

The Bills, having received the requisite constitutional majority, were passed, the House has agreed to the Senate substitutes, and the House has agreed to the Senate substitute as amended by the House.

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 House:

HB 449. By Representatives Gravley of the 67th, Jacobs of the 80th, Hightower of the 68th, Teasley of the 37th, Smyre of the 135th 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 of agency records is not required, so as to change certain provisions relating to 9-1-1 calls; to repeal conflicting laws; and for other purposes.

HB 776. By Representatives Atwood of the 179th, Willard of the 51st, Fleming of the 121st, Caldwell of the 131st, Welch of the 110th and others:

A BILL to be entitled an Act to amend Title 15, Code Sections 21-2-231, 31-2A-4, 35-3-33, and 40-5-2, and Title 42 of the O.C.G.A., relating to courts, lists of persons convicted of felonies, persons identified as noncitizens, persons declared mentally incompetent, and deceased persons, the Department of Public Health's obligation to safeguard and promote the health of people of this state, the powers and duties of the Georgia Crime Information Center, keeping of records or applications for driver's licenses and information on licenses and furnishing such information, and penal institutions, respectively, so as to clarify information to be provided in order to compile state-wide master jury lists and county master jury lists; to change provisions relating to the eligibility of persons to serve on a jury; to repeal conflicting laws; and for other purposes.

HB 794. By Representatives Braddock of the 19th, Welch of the 110th, Lindsey of the 54th, Clark of the 98th, Hawkins of the 27th and others:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to adopt the Compact for a Balanced Budget and promote the proposal and ratification of a balanced budget amendment to the United States Constitution; to provide for powers, duties, and procedures relative to the Compact; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1134. By Representatives Weldon of the 3rd, Deffenbaugh of the 1st and Tarvin of the 2nd:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Fort Oglethorpe, approved April 1, 1996 (Ga. L. 1996, p. 3892), as amended, so as to provide for the use of certain lands; to provide for the powers and duties of the mayor; to provide for conflicts of interest, disclosure of conflicts, proper use of public property, ethical prohibitions, disqualifications, complaints, ethics commission, and appeals; to provide for the filling of vacancies; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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.

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.

HB 804. By Representatives Lindsey of the 54th, Brockway of the 102nd, Jones of the 62nd, Ramsey of the 72nd and Pak of the 108th:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of trial proceedings, so as to repeal provisions relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present; to provide for the testimony of individuals under 18 years of age outside the physical presence of an accused in criminal proceedings under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

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 Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 943. By Representatives Hawkins of the 27th, Smith of the 134th, Ramsey of the 72nd, Cooper of the 43rd, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance generally, so as to require that a health benefit policy that provides coverage for intravenously administered or injected chemotherapy for the treatment of cancer shall provide coverage no less favorable for orally administered chemotherapy; to provide a short title; to provide for definitions; to provide prohibited actions; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

SB 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.

The Senate has disagreed to the House amendment to the following bill of the Senate:

SB 283. By Senators Dugan of the 30th, Mullis of the 53rd, Harper of the 7th, Millar of the 40th, Hufstetler of the 52nd and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to authorize school systems to provide instruction on the history of traditional winter celebrations; to provide for displays; to provide for limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate insists on its substitute to the following bill of the House:

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 Senate insists on its amendment to the following bill of the House:

HB 786. By Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute as amended to the following bill of the House:

HB 60. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 429. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb

County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved May 6, 2013 (Ga. L. 2013, p. 4188), so as to change the compensation of certain employees of such office; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SR 1236. By Senators Balfour of the 9th, Shafer of the 48th, Albers of the 56th and Jones of the 25th:

A RESOLUTION requesting the Georgia Secretary of State to look into the feasibility of vote-by-phone in Georgia by conducting a pilot program in the 2014 election for use by overseas and military voters; and for other purposes.

Referred to the Committee on Governmental Affairs.

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

Representatives Brooks of the 55th, Welch of the 110th, Dawkins-Haigler of the 91st, Thomas of the 56th, Hatchett of the 150th et al., Rogers of the 10th, Dukes of the 154th et al., and England of the 116th.

Representative O`Neal of the 146th assumed the chair.

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

Representatives Kidd of the 145th and Spencer of the 180th.

The Speaker assumed the Chair.

The following member was recognized during the period of Morning Orders and addressed the House:

Representative Abrams of the 89th.

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

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.

Representative Battles of the 15th moved that the House insist on its position in disagreeing to the Senate substitute to HB 295 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Battles of the 15th, Channell of the 120th and Meadows of the 5th.

SB 283. By Senators Dugan of the 30th, Mullis of the 53rd, Harper of the 7th, Millar of the 40th, Hufstetler of the 52nd and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to authorize school systems to provide instruction on the history of traditional winter celebrations; to provide for displays; to provide for limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Dudgeon of the 25th moved that the House insist on its position in amending SB 283.

The motion prevailed.

SB 134. By Senators Carter of the 1st, Millar of the 40th, Hufstetler of the 52nd, Orrock of the 36th and Stone of the 23rd:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled substances, so as to revise the definition of "prescriber"; to repeal conflicting laws; and for other purposes.

Representative Weldon of the 3rd moved that the House insist on its position in disagreeing to the Senate amendment to the House amendment to SB 134.

The motion prevailed.

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.

Representative Brockway of the 102nd moved that the House insist on its position in substituting SB 374.

The motion prevailed.

HB 786. By Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Knight of the 130th moved that the House insist on its position in disagreeing to the Senate amendment to HB 786 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th.

HB 837. By Representatives Hamilton of the 24th, Powell of the 32nd, Golick of the 40th, Maxwell of the 17th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to agreements for probation services, so as to provide for legislative findings and intent; to provide for the supervision of misdemeanor and county and city ordinance offenders by county and municipal probation officers and private probation services providers; to provide for the revocation, modification, and tolling of sentences under certain circumstances by county and municipal courts; to provide for the conditions of probation; to provide for the assessment and collection of costs of probation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to agreements for probation services, so as to provide for legislative findings and intent; to provide for the supervision of misdemeanor and county and city ordinance offenders by county and municipal probation officers and private probation services providers; to provide for the revocation, modification, and tolling of sentences under certain circumstances by county and municipal courts; to provide for the conditions of probation; to provide for the assessment and collection of costs of probation; to revise certain standards for private corporations, private enterprises, and private agencies who enter into written contracts for probation services; to change provisions relating to confidentiality of records; to revise certain standards for counties, municipalities, or consolidated governments who enter into written agreements to provide probation services; 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.

(a) The General Assembly finds that:

(1) The authorization for county and municipal probation offices and private probation services was enacted to provide cost savings to the state by using state probation services for felony offenders and utilizing county and municipal probation offices and private probation entities which contract with courts for the supervision of misdemeanor and county and city ordinance offenders;

(2) In enacting such legislation, the General Assembly intended to authorize judges to use county and municipal probation offices and private probation services providers to supervise misdemeanor and county and city ordinance offenders in the same manner as

the judges of the superior courts use state probation services as a means of supervising felony offenders;

(3) The General Assembly did not intend to restrict the powers of judges to impose, suspend, toll, revoke, or otherwise manage the probation of misdemeanor and county and city ordinance offenders sentenced in such courts when utilizing county and municipal probation offices and private probation services providers; and

(4) The General Assembly intended that county and municipal probation officers and private probation officers, when acting in performance of their official duties in supervising probationers in accordance with law and the orders of a court, would have the same rights, authority, and protections as state probation supervisors.

(b) It is the intention of the General Assembly to improve the use and provision of probation services by courts for misdemeanor and ordinance violations by enacting this Act.

SECTION 2.

Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to agreements for probation services, is amended by revising Code Section 42-8-100, relating to jurisdiction of probation matters in ordinance violation cases, costs, and agreements between chief judges of county courts or judges of municipal courts and corporations, enterprises, or agencies for probation services, as follows:

"42-8-100.

(a) As used in this article, the term:

(1) 'Council' means the County and Municipal Probation Advisory Council created under Code Section 42-8-101.

(2) 'Private probation officer' means a probation officer employed by a private corporation, private enterprise, private agency, or other private entity that provides probation services.

(3) 'Probation officer' means a person employed to supervise defendants placed on probation by a ~~county or municipal~~ court for committing an ordinance violation or misdemeanor.

(b) Any ~~county or municipal~~ court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or ~~any plea~~ <u>has pled guilty or nolo contendere</u> may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(c) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him or her on probation under the supervision and control of a probation officer <u>or private probation officer</u> for the duration of such probation, subject to the provisions of this Code section. The period of probation or suspension shall not exceed the maximum

sentence of confinement which could be imposed on the defendant; provided, however, that nothing in this chapter shall be construed to limit the ability of a court to toll a sentence as provided in this article.

(d) In every case that a court of this state sentences a defendant to probation under this article with supervision of a probation officer or private probation officer, in addition to any fine or order of restitution imposed by the court, there shall be imposed a probation supervision fee as a condition of probation. The probation supervision fee may be waived, amended, or converted to community service upon determination by the court prior to or subsequent to sentencing, as to the undue hardship, inability to pay, or any other extenuating factors which prohibit collection of such fee; provided, however, that the imposition of sanctions for failure to pay such fees shall be within the discretion of the court through judicial process or hearings. The court may convert probation supervision fees to community service on the same basis as it allows a defendant to pay a fine through community service as set forth in subsection (d) of Code Section 17-10-1. Probation supervision fees shall be waived on probationers incarcerated or detained in a jail or other confinement facility which prohibits employment for wages.

~~(d)~~(e) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition ~~precedent to probation~~ of probation, including the costs of probation supervision and the costs of electronic monitoring as provided in subsection (a) of Code Section 42-8-100.1.

~~(e)~~(f) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including tolling the sentence as provided in this article, at any time during the period of time originally prescribed for the probated sentence to run.

~~(f)~~(g) If a defendant is placed on probation pursuant to this Code section by a ~~county or municipal~~ court other than one for the county or municipality in which he or she resides for committing any ordinance violation or misdemeanor, such defendant may, when specifically ordered by the court, have his or her probation supervision transferred to the county or municipality in which he or she resides.

~~(g)~~(h)(1) The chief judge of any court within the county, with the approval of the governing authority of that county, is authorized to enter into written contracts with corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in that court and placed on probation in the county. In no case shall a private probation corporation or enterprise be charged with the responsibility for supervising a felony sentence. The final contract negotiated by the chief judge with the private probation entity shall be attached to the approval by the governing authority of the county to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this

subsection entered into on or after July 1, 2001, shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract. The termination of a contract for probation services as provided for in this subsection in existence on July 1, 2001, and which contains no provisions relating to termination of such contract shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The chief judge of any court within the county, with the approval of the governing authority of that county, is authorized to establish a county probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in that court and placed on probation in the county.

~~(h)~~(i)(1) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of that municipality or consolidated government, is authorized to enter into written contracts with private corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed ~~and~~ on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation. The final contract negotiated by the judge with the private probation entity shall be attached to the approval by the governing authority of the municipality or consolidated government to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection entered into on or after July 1, 2001, shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon, written provisions of such contract. The termination of a contract for probation services as provided for in this subsection in existence on July 1, 2001, and which contains no provisions relating to termination of such contract shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of that municipality or consolidated government, is authorized to establish a probation system to provide probation supervision, counseling, collection services for all

moneys to be paid by a defendant according to the terms of the sentence imposed ~~and~~ on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation."

SECTION 3.

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

"42-8-100.1.

(a) A court which utilizes the services of a probation officer or private probation officer shall determine the terms and conditions of probation under this article and may provide such terms and conditions of probation as the court deems appropriate, including, but not limited to, providing that the probationer shall:

(1) Avoid injurious and vicious habits;

(2) Avoid persons or places of disreputable or harmful character;

(3) Report to the probation officer or private probation officer, as the case may be, as directed;

(4) Permit the probation officer or private probation officer, as the case may be, to visit the probationer at the probationer's home or elsewhere;

(5) Work faithfully at suitable employment insofar as may be possible;

(6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within the state:

(A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or

(B) In which any service or program in which the probationer must participate as a condition of probation is not available;

(7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court in accordance with the provisions of Article 1 of Chapter 14 of Title 17. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in dispute unless the same has been determined as provided in Article 1 of Chapter 14 of Title 17;

(8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been determined as provided in Article 1 of Chapter 14 of Title 17;

(9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;

(10) Support the probationer's legal dependents to the best of the probationer's ability;

(11) Violate no local, state, or federal laws and be of general good behavior;

(12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state;
(13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the court, including periodic screening for drugs and alcohol as ordered by the court and mental health evaluations as ordered by the court. The court may assess and the probation officer or private probation officer, as the case may be, shall be authorized to collect the costs or a portion of the costs, as determined by the court, of such evaluations, testing, rehabilitation programs, and screenings from the probationer;
(14) Wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning satellite systems. The court shall assess and the probation officer or private probation officer, as the case may be, shall collect fees from the probationer for such monitoring;
(15) Wear a device capable of detecting drug or alcohol use by the probationer. The court shall assess and the probation officer or private probation officer, as the case may be, shall collect fees from the probationer for such monitoring;
(16) Complete a residential or nonresidential program for substance abuse or mental health treatment as indicated by a risk and needs assessment for which the court may assess and the probation officer or private probation officer, as the case may be, shall be authorized to collect the costs of or a portion of the costs, as determined by the court, of such program from the probationer; and
(17) Pay for the cost of any drug and alcohol screening ordered by the court.
(b)(1) It shall be the duty of a probationer, as a condition of probation, to keep his or her probation officer or private probation officer, as the case may be, informed as to his or her residence and mailing address. The court may also require, as a condition of probation and under such terms as the court deems advisable, that the probationer keep his or her probation officer or private probation officer, as the case may be, informed as to his or her whereabouts.

(2)(A) The running of a probated sentence may be tolled upon the failure of a probationer to report to his or her probation officer or private probation officer, as the case may be, as directed or failure to appear in court for a probation revocation hearing; either of such failures may be evidenced by an affidavit from the probation officer or private probation officer, as the case may be, setting forth such failure and stating efforts made by the probation officer to contact the probationer.

(B) Upon receiving an affidavit from the probation officer or private probation officer as provided in subparagraph (A) of this paragraph, the court may enter an order tolling the probation of the probationer and may issue a rule nisi requiring the probationer to appear in court for a hearing on whether such tolling order should be continued or lifted. Said rule nisi shall be served by first-class mail to the last known address of the probationer or by personal service. The tolling order shall be effective upon the issuance of the rule nisi. Should the probationer fail to appear at the hearing, the court may, in its discretion, continue the tolling of the probated

sentence. If, at the hearing, the court finds that the tolling order was inappropriately issued, the court shall rescind the tolling order and give the probationer credit toward his or her sentence for the time that the tolling order was in effect.

(3) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer shall personally report to the probation officer or private probation officer, as the case may be; is taken into custody in this state; or is otherwise available to the court, whichever event occurs first.

(4) Any tolled period of time shall not be included in computing creditable time served on probation or as any part of the time that the probationer was sentenced to serve.

(5) Any unpaid fines, restitution, or any other moneys owed as a condition of probation shall be due when the probationer is arrested; provided, however, that if the entire balance of his or her probation is revoked, all the conditions of probation, including moneys owed, shall be negated by his or her imprisonment. If only part of the balance of the probation is revoked, the probationer shall still be responsible for the full amount of the unpaid fines, restitution, fees, and other moneys upon his or her return to probation after release from imprisonment, provided that the court may waive or reduce such amounts after considering all circumstances, including undue hardship, inability to pay, extenuating factors, and the availability of other alternatives, including community service.

(c) Nothing in this Code section shall be construed as prohibiting a court in appropriate circumstances from imposing additional special conditions of probation unless otherwise prohibited by law.

(d) Probation officers and private probation officers shall be authorized to participate in and conduct pretrial diversion programs as directed by the prosecuting attorney."

SECTION 4.

Said article is further amended by revising subsection (a) of Code Section 42-8-103, relating to quarterly report to judge and council and records to be open for inspection, as follows:

"(a)(1) Any private corporation, private enterprise, or private agency contracting to provide probation services or any county, municipality or consolidated government entering into an agreement under the provisions of this article shall provide to the judge with whom the contract or agreement was made and the council a quarterly report summarizing the number of offenders under supervision; the amount of fines, statutory surcharges, and restitution collected; the number of offenders for whom supervision or rehabilitation has been terminated and the reason for the termination; and the number of warrants issued during the quarter, in such detail as the council may require.

(2) Upon request of the court, the governing authority, or the council, the private corporation, private enterprise, or private agency contracting to provide probation services or any county, municipality, or consolidated government entering into an agreement under the provisions of this article shall provide to the court, the governing authority, or the council the amount of fees collected and the nature of such fees,

including probation supervision fees, rehabilitation programming fees, electronic monitoring fees, drug or alcohol detection device fees, substance abuse or mental health evaluation or treatment fees, and drug testing fees. Information reported pursuant to this paragraph shall not be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50."

SECTION 5.

Said article is further amended by revising Code Section 42-8-106, relating to confidentiality of records, by adding a new subsection to read as follows:

"(c) Any individual who is or was under probation supervision by a private corporation, private enterprise, or private agency contracting under the provisions of this article or by a county, municipality, or consolidated government providing probation services under this article shall be permitted, upon written request, to inspect and copy his or her own probation file, including correspondence, payment records, and reporting history; provided, however, that supervision case notes shall not be subject to inspection or copying. The first request for such copies in a calendar year shall be provided by the entity at no charge to the individual. For all other requests, the entity providing such copies may charge a reasonable fee for such copies. Such individual may not request such inspection or copies more than once each calendar quarter."

SECTION 6.

Said article is further amended by revising paragraph (3) of subsection (a) and paragraph (3) of subsection (b) of Code Section 42-8-108, relating to the applicability of the article to contractors for probation services, as follows:

"(3) Employ at least one person who is responsible for the direct supervision of probation officers employed by the corporation, enterprise, or agency and who shall have at least five years' experience in corrections, jail officer, parole, or probation services."

"(3) Employ at least one person who is responsible for the direct supervision of probation officers employed by the governing authority who shall have at least five years' experience in corrections, jail officer, parole, or probation services; provided, however, that the five-year experience requirement shall not apply to any probation services supervised or administered by the office of sheriff of any county or to any such supervisor employed by a county, municipality, or consolidated government which was engaged in the provision of probation services on April 15, 2006."

SECTION 7.

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

SECTION 8.

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

Representative Hamilton of the 24th moved that the House agree to the Senate substitute to HB 837.

On the motion, 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
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
Channell
N 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
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
N Fleming
N Floyd
N Fludd
N Frazier
N Frye
N Fullerton
N Gardner
Y Gasaway
Geisinger
Y Glanton
Y Golick
N Gordon
Y Gravley
N Greene
N Gregory
Y Hamilton
N Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
N Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Holt
Y Houston
N Howard
N Hugley
Y 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
E Martin
Y Maxwell
N Mayo
Y McCall
N McClain
Y Meadows
N Mitchell
N Moore
N Morgan
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
E Rutledge
Y Rynders
N Scott
Y Setzler
N Sharper
Y Shaw
Sims, B
N Sims, C
N Smith, E
Y Smith, L
N Smith, M
Y Smith, R
N Smyre
Spencer
N Stephens, M
Y Stephens, R
N Stephenson
E Stovall
Y Stover
Y 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
Y Watson, S
Y Welch
Weldon
N Wilkerson
Y Wilkinson
Willard
N Williams, A
Y Williams, C
N Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 105, nays 62.

The motion prevailed.

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 Senate substitute was read:

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) 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.

(g) 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.

(h) 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.

Representative McCall of the 33rd moved that the House agree to the Senate substitute to HB 983.

On the motion, 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
E 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
Y Chapman
Y Cheokas
Y Clark, J
Y Clark, V
Y Coomer
Y Cooper
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
E Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Dutton
Y Efstration
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Fleming
Y Floyd
Fludd
Y Frazier
Y Frye
Y Fullerton
Gardner
Y Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
N Gregory
Y Hamilton
Harbin
Y Harden
E 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
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
E Martin
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
Pak
Y Parrish
Y Parsons
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
E Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Sims, C
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Spencer
Stephens, M
Y Stephens, R
Y Stephenson
E 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.
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 Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 158, nays 4.

The motion prevailed.

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 Senate substitute was read:

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 funding mechanisms for road transportation projects in Georgia.

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 16 members as follows:

(1) The chairperson of the House Committee on Transportation;
(2) The chairperson of the Senate Transportation Committee;
(3) The chairperson of the House Committee on Appropriations;
(4) The chairperson of the Senate Appropriations Committee;
(5) Three representatives and one citizen member appointed by the Speaker of the House of Representatives;
(6) Three senators and one citizen member appointed by the President of the Senate;
(7) The president and chief executive officer of the Georgia Chamber of Commerce or his or her designee;
(8) The president and chief executive officer of the Metro-Atlanta Chamber of Commerce or his or her designee;
(9) The executive director of the Association County Commissioners of Georgia; and
(10) The executive director of the Georgia Municipal Association.

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.

Representative Roberts of the 155th moved that the House agree to the Senate substitute to HR 1573.

On the motion, 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	E 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
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	Oliver	E Stovall
Y Bentley	E 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
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	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	E 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
Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	E 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 motion, the ayes were 165, nays 2.

The motion prevailed.

HB 863. By Representatives Golick of the 40th, Ramsey of the 72nd, Hamilton of the 24th, Dudgeon of the 25th, Pak of the 108th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to offenses against public health and morals, so as to change provisions relating to cruelty to animals and aggravated cruelty to animals; to provide for and change definitions; to clarify provisions relating to justification; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to offenses against public health and morals, so as to change provisions relating to cruelty to animals and aggravated cruelty to animals; to provide for and change definitions; to clarify provisions relating to justification; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to offenses against public health and morals, is amended by revising Code Section 16-12-4, relating to cruelty to animals, as follows:

"16-12-4.

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

(1) 'Animal' shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.

~~(2) 'Conviction' shall include pleas of guilty or nolo contendere or probation as a first offender pursuant to Article 3 of Chapter 8 of Title 42 and any conviction, plea of~~

~~guilty or nolo contendere, or probation as a first offender for an offense under the laws of the United States or any of the several states that would constitute a violation of this Code section if committed in this state.~~

(2) 'Malice' means:

(A) An actual intent, which may be shown by the circumstances connected to the act, to cause the particular harm produced without justification or excuse; or

(B) The wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.

~~(3) 'Willful neglect' means the intentional withholding of food and water required by an animal to prevent starvation or dehydration.~~

(b) A person commits the offense of cruelty to animals when he or she ~~causes death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect~~:

(1) Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or

(2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.

(c) Any person convicted of ~~a violation of this subsection~~ the offense of cruelty to animals shall be guilty of a misdemeanor; provided, however, that~~:~~

~~(1) Any person who is convicted of a second or subsequent violation of this subsection shall be punished by imprisonment not to exceed 12 months, a fine not to exceed $5,000.00, or both; and~~

~~(2) Any~~ any person who ~~is convicted of a second or subsequent violation of this subsection which results in the death of an animal~~ has had a prior adjudication of guilt for the offense of cruelty to animals or aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of cruelty to animals or aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of cruelty to animals or aggravated cruelty to animals, upon the second or subsequent conviction of cruelty to animals shall be guilty of a misdemeanor of a high and aggravated nature ~~and shall be punished by imprisonment for not less than three months nor more than 12 months, a fine not to exceed $10,000.00, or both, which punishment shall not be suspended, probated, or withheld~~.

~~(c)~~(d) A person commits the offense of aggravated cruelty to animals when he or she ~~knowingly and maliciously~~:

(1) Maliciously causes the death ~~or physical harm to~~ of an animal;

(2) Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such ~~animal~~ animal's body or a member thereof;

(3) Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;

(4) Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or

(5) Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

(e) Any ~~A~~ person convicted of the offense of aggravated cruelty to animals shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $15,000.00, or both~~,~~; provided, however, that any person who ~~is convicted of a second or subsequent violation of this subsection~~ has had a prior adjudication of guilt for the offense of aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of aggravated cruelty to animals, upon the second or subsequent conviction of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than ~~five~~ ten years, a fine not to exceed ~~the amount provided by Code Section 17-10-8~~ $100,000.00, or both.

~~(d)~~(f) Before sentencing a defendant for any conviction under this Code section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.

~~(e)~~(g) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific~~,~~ research, training, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.

~~(f)(1) Nothing in this Code section shall be construed as prohibiting a person from:~~

~~(A) Defending his or her person or property, or the person or property of another, from injury or damage being caused by an animal; or~~

~~(B) Injuring or killing an animal reasonably believed to constitute a threat for injury or damage to any property, livestock, or poultry.~~

(h)(1) In addition to justification and excuse as provided in Article 2 of Chapter 3 of this title, a person shall be justified in injuring or killing an animal when and to the extent that he or she reasonably believes that such act is necessary to defend against an imminent threat of injury or damage to any person, other animal, or property.

(2) A person shall not be justified in injuring or killing an animal under the circumstances set forth in paragraph (1) of this subsection when:

(A) The person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime;

(B) The person or other animal being threatened is attempting to commit or committing a trespass or other tortious interference with property; or

(C) The animal being threatened is not lawfully on the property where the threat is occurring.

~~(2)~~(3) The method used to injure or kill ~~such~~ an animal under the circumstances set forth in paragraph (1) of this subsection shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil ~~or criminal~~ liability or criminal responsibility for such injury or death."

SECTION 2.

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

Representative Golick of the 40th moved that the House agree to the Senate substitute to HB 863.

On the motion, 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	E 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
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	E Stovall
Y Bentley	E 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	N 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	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	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	E 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	E Martin	Y Sharper	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 167, nays 1.

The motion prevailed.

HB 804. By Representatives Lindsey of the 54th, Brockway of the 102nd, Jones of the 62nd, Ramsey of the 72nd and Pak of the 108th:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of trial proceedings, so as to repeal provisions relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present; to provide for the testimony of individuals under 18 years of age outside the physical presence of an accused in criminal proceedings under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of trial proceedings, so as to repeal provisions relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present; to provide for the testimony of individuals under 18 years of age outside the physical presence of an accused in criminal proceedings 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.

Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of trial proceedings, is amended by repealing Code Section 17-8-55, relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present, and by enacting a new Code Section 17-8-55 to read as follows:

"17-8-55.

(a) As used in this Code section, the term 'child' means an individual who is under 17 years of age.

(b) This Code section shall apply to all proceedings when a child is a witness to or an alleged victim of a violation of Code Section 16-5-1, 16-5-20, 16-5-23, 16-5-23.1, 16-5-40, 16-5-70, 16-5-90, 16-5-95, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5, 16-6-5.1, 16-6-11, 16-6-14, 16-6-22, 16-6-22.1, 16-6-22.2, 16-8-41, or 16-15-4.

(c) The court, upon the motion of the prosecuting attorney or the parent, legal guardian, or custodian of a child, or on its own motion, shall hold an evidentiary hearing to determine whether a child shall testify outside the physical presence of the accused. Such motion shall be filed, or requested by the court, at least ten days prior to trial unless the court shortens such time period for good cause, as it deems just under the circumstances.

(d) The court may order a child to testify outside the physical presence of the accused, provided that the court finds by a preponderance of the evidence that such child is likely to suffer serious psychological or emotional distress or trauma which impairs such child's ability to communicate as a result of testifying in the presence of the accused. In determining whether a preponderance of the evidence has been shown, the court may consider any one or more of the following circumstances:

(1) The manner of the commission of the offense being particularly heinous or characterized by aggravating circumstances;

(2) The child's age or susceptibility to psychological or emotional distress or trauma on account of a physical or mental condition which existed before the alleged commission of the offense;

(3) At the time of the alleged offense, the accused was:

(A) The parent, guardian, legal custodian, or other person responsible for the custody or care of the child at the relevant time; or

(B) A person who maintains or maintained an ongoing personal relationship with such child's parent, guardian, legal custodian, or other person responsible for the custody or care of the child at the relevant time and the relationship involved the person living in or frequent and repeated presence in the same household or premises as the child;

(4) The alleged offense was part of an ongoing course of conduct committed by the accused against the child over an extended period of time;
(5) A deadly weapon or dangerous instrument was used during the commission of the alleged offense;
(6) The accused has inflicted serious physical injury upon the child;
(7) A threat, express or implied, of physical violence to the child or a third person if the child were to report the incident to any person or communicate information to or cooperate with a court, grand jury, prosecutor, police officer, or law enforcement office concerning the incident has been made by or on behalf of the accused;
(8) A threat, express or implied, of the incarceration of a parent, relative, or guardian of the child, the removal of the child from the family, or the dissolution of the family of the child if the child were to report the incident to any person or communicate information to or cooperate with a court, grand jury, prosecutor, police officer, or law enforcement office concerning the incident has been made by or on behalf of the accused;
(9) A witness other than the child has received a threat of physical violence directed at such witness or to a third person by or on behalf of the accused, and the child is aware of such threat;
(10) The accused, at the time of the inquiry:
(A) Is living in the same household with the child;
(B) Has ready access to the child; or
(C) Is providing substantial financial support for the child; or
(11) According to expert testimony, the child would be particularly susceptible to psychological or emotional distress or trauma if required to testify in open court in the physical presence of the accused.
(e) A court order allowing or not allowing a child to testify outside the physical presence of the accused shall state the findings of fact and conclusions of law that support the court's determination. An order allowing the use of such testimony shall:
(1) State the method by which such child shall testify;
(2) List any individual or category of individuals allowed to be in the presence of such child during such testimony, including the individuals the court finds contribute to the welfare and well-being of the child during his or her testimony;
(3) State any special conditions necessary to facilitate the cross-examination of such child;
(4) State any condition or limitation upon the participation of individuals in the child's presence during such child's testimony;
(5) Provide that the accused shall not be permitted to be in the physical presence of a child during his or her testimony if the accused is pro se;
(6) Provide that if counsel for the accused or the accused is precluded from being physically present during the child's testimony, then the prosecuting attorney shall likewise be precluded from being physically present; and
(7) State any other condition necessary for taking or presenting such testimony.

(f) The method used for allowing a child to testify outside the physical presence of the accused shall allow the judge, jury, and accused to observe the demeanor of the child as if he or she were testifying in the courtroom. When such testimony occurs it shall be transmitted to the courtroom by any device or combination of devices capable of projecting a live visual and oral transmission, including, but not limited to, a two-way closed circuit television broadcast, an Internet broadcast, or other simultaneous electronic means. The court shall ensure that:

(1) The transmitting equipment is capable of making an accurate transmission and is operated by a competent operator;

(2) The transmission is in color and the child is visible at all times;

(3) Every voice on the transmission is audible and identified;

(4) The courtroom is equipped with monitors which permit the jury, the accused, and others present in the courtroom to see and hear the transmission; and

(5) The image and voice of the child, as well as the image of all other persons other than the operator present in the testimonial room, are transmitted live."

SECTION 2.

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

Representative Lindsey of the 54th moved that the House agree to the Senate substitute to HB 804.

On the motion, 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	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	E Harrell	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
Y Barr	Dickey	Y Hawkins	Y Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
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	E Stovall
Y Bentley	E 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
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	Fludd	Y Kelley	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	E 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	E 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 motion, the ayes were 166, nays 0.

The motion prevailed.

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.

The following Senate substitute was read:

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 provide for an exemption for a civil rights museum; 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 taxes, is amended by revising paragraphs (86) and (88) as follows:

"(86) ~~For the period commencing on July 1, 2007, and ending on June 30, 2015, the~~ <u>The</u> sale or use of engines, parts, equipment, and other tangible personal property used in the maintenance or repair of aircraft when such engines, parts, equipment, and

other tangible personal property are installed on such aircraft that is being repaired or maintained in this state, so long as such aircraft is not registered in this state;"

"(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.

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

Representative Atwood of the 179th moved that the House agree to the Senate substitute to HB 933.

On the motion, 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	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	E Harrell	N Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
N Barr	Y Dickey	Y Hawkins	N Morris	Y Spencer
Y Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
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	E Stovall
Y Bentley	E Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Y Dukes	Y Holt	N Pak	Y Strickland
Y Beverly	N 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	N Pezold	N Tarvin
E Brockway	N Ehrhart	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	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	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	E Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	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 motion, the ayes were 156, nays 12.

The motion prevailed.

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to a*mend the House Committee on Budget & Fiscal Affairs Oversight substitute to SB 288 (LC 33 5498S) by inserting after* "reports" *on line 5 the following:*
or meets certain conditions

By striking the quotation mark at the end of line 28 and by adding after line 28 the following:

(c) No high school which receives funding under this article shall participate in, sponsor, or provide coaching staff for interscholastic sports events which are conducted under the authority of, conducted under the rules of, or scheduled by any athletic association unless the athletic association:

(1) Requires that the members of its executive committee, board of trustees, or any associated boards are employed by a local school system or private school for a

minimum of 100 school days per year; provided, however, that the executive committee:

(A) May include the State School Superintendent or his or her designee, representatives from associations representing local board of education members, local school superintendents, secondary school principals, athletic directors, and athletic coaches in this state;

(B) Shall include two female members appointed by such executive committee from nominees submitted by each region; and

(C) Shall authorize each member to vote on all matters pertaining to the operation of such athletic association;

(2) Limits the terms of members of its executive committee, board of trustees, or any associated boards to a total of four years;

(3) Provides that every school is allowed one vote to elect the executive director; and

(4) Annually publishes and provides to each member school a detailed financial report of its revenues and expenditures.

This subsection shall not apply to any athletic association which organizes, sanctions, schedules, and establishes regulations for interscholastic sports events which exclusively involve disabled athletes."

Representative Martin of the 49th moved that the House disagree to the Senate amendment to the House substitute to SB 288.

The motion prevailed.

The following Resolutions of the House were read and adopted:

HR 1971. By Representative Drenner of the 85th:

A RESOLUTION encouraging local boards of education and schools in Georgia to consider renewable energy systems to provide educational opportunities; and for other purposes.

HR 2005. By Representative Alexander of the 66th:

A RESOLUTION recognizing and commending S.H.A.R.E. House, Inc.; and for other purposes.

HR 2006. By Representative Alexander of the 66th:

A RESOLUTION recognizing and commending Minnie Alexander on the occasion of her 88th birthday; and for other purposes.

HR 2007. By Representatives Efstration of the 104th, Clark of the 101st, Harrell of the 106th, Rice of the 95th, Brockway of the 102nd and others:

A RESOLUTION recognizing and commending Don L. Butler and Jannetta F. Johnson; and for other purposes.

HR 2008. By Representatives Dawkins-Haigler of the 91st, Scott of the 76th, Anderson of the 92nd, Frazier of the 126th, Mosby of the 83rd and others:

A RESOLUTION recognizing and commending Georgia women veterans; and for other purposes.

HR 2009. By Representatives Ralston of the 7th and Oliver of the 82nd:

A RESOLUTION honoring the memory of Thomas Candler Gilliland and expressing regret at his passing; and for other purposes.

HR 2010. By Representative Ralston of the 7th:

A RESOLUTION honoring the life and memory of Ray Anthony Ritchie; and for other purposes.

HR 2011. By Representative Ralston of the 7th:

A RESOLUTION commending Marsha Ensley; and for other purposes.

HR 2012. By Representatives Hugley of the 136th, Smyre of the 135th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing May 11-17, 2014, as Food Allergy Awareness Week at the state capitol; and for other purposes.

HR 2013. By Representative Smith of the 134th:

A RESOLUTION commending and congratulating Jim Weeks; and for other purposes.

HR 2014. By Representative Jones of the 53rd:

A RESOLUTION commending JaMelia Baylor-Stroud, Margaret Fain Elementary School's 2014 Teacher of the Year; and for other purposes.

HR 2015. By Representative Greene of the 151st:

A RESOLUTION recognizing and commending Fort Gaines 200: A Bicentennial Commemoration; and for other purposes.

HR 2016. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Brittany Nicole Jones; and for other purposes.

HR 2017. By Representatives Waites of the 60th, Scott of the 76th, Brooks of the 55th, Stovall of the 74th, Sharper of the 177th and others:

A RESOLUTION recognizing and commending Representative Sheila Jones; and for other purposes.

HR 2018. By Representatives Deffenbaugh of the 1st and Weldon of the 3rd:

A RESOLUTION honoring Eunice Lastinger Mixon; and for other purposes.

HR 2019. By Representative Marin of the 96th:

A RESOLUTION recognizing and commending Mauricio Guadamuz; and for other purposes.

HR 2020. By Representatives Powell of the 171st, England of the 116th, Houston of the 170th, Roberts of the 155th, Meadows of the 5th and others:

A RESOLUTION commending Nell Covington Royal; and for other purposes.

HR 2021. By Representative Marin of the 96th:

A RESOLUTION calling for the protection of human rights in Vietnam; and for other purposes.

HR 2022. By Representatives Waites of the 60th, Thomas of the 56th, Henson of the 86th, Kaiser of the 59th and Gardner of the 57th:

A RESOLUTION recognizing and commending the Atlanta Humane Society; and for other purposes.

HR 2023. By Representative Williamson of the 115th:

A RESOLUTION commending Meredith Murry, Social Circle High School's 2014 STAR Student; and for other purposes.

HR 2024. By Representative Williamson of the 115th:

A RESOLUTION commending Benjamin Eady, George Walton Academy's 2014 STAR Student; and for other purposes.

HR 2025. By Representative Waites of the 60th:

A RESOLUTION commending the Georgia Association of Parliamentarians and recognizing April, 2014, as Parliamentarian Month; and for other purposes.

HR 2026. By Representative Williamson of the 115th:

A RESOLUTION commending Sommer Anjum, Walnut Grove High School's 2014 STAR Student; and for other purposes.

HR 2027. By Representative Williamson of the 115th:

A RESOLUTION commending Thomas B. Laseter, Monroe Area High School's 2014 STAR Student; and for other purposes.

HR 2028. By Representatives Deffenbaugh of the 1st, Cheokas of the 138th, Ralston of the 7th, O`Neal of the 146th, Pak of the 108th and others:

A RESOLUTION commending the Honorable Jay Neal on the occasion of his retirement from the Georgia House of Representatives; and for other purposes.

HR 2029. By Representatives Gravley of the 67th and Hightower of the 68th:

A RESOLUTION congratulating Judge Peggy H. Walker upon her installation as president of the National Council of Juvenile and Family Court Judges for 2014-2015; and for other purposes.

Representative Lindsey of the 54th moved that the following Resolution of the House be withdrawn from the Committee on Governmental Affairs and recommitted to the Committee on Rules:

HR 1771. By Representative Lindsey of the 54th:

A RESOLUTION requesting the Georgia Secretary of State to look into the feasibility of vote-by-phone in Georgia by conducting a pilot program in the 2014 election for use by overseas and military voters; and for other purposes.

The motion prevailed.

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

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.

The following Committee substitute was read:

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 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 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 45 of Title 33 of the Official Code of Georgia Annotated, relating to continuing care providers and facilities, is amended by revising Code Section 33-45-1, relating to definitions, as follows:

"33-45-1.

As used in this chapter, the term:

(1) 'Continuing care' ~~or 'care'~~ means furnishing pursuant to ~~an~~ a continuing care agreement:

(A) ~~lodging~~ Lodging that is not:

(i) ~~in~~ In a skilled nursing facility, as such term is defined in paragraph (34) of Code Section 31-6-2~~,~~;

(ii) ~~an~~ An intermediate care facility, as such term is defined in paragraph (22) of Code Section 31-6-2~~,~~;

(iii) An assisted living community, as such term is defined in Code Section 31-7-12.2; or

(iv) ~~a~~ A personal care home, as such term is defined in Code Section 31-7-12;

(B) ~~food~~ Food; and

(C) ~~nursing~~ Nursing care~~, whether such nursing care is~~ provided in ~~the~~ a facility or in another setting designated by the agreement for continuing care~~,~~ to an individual not related by consanguinity or affinity to the provider furnishing such care upon payment of an entrance fee including skilled or intermediate nursing services and, at the discretion of the continuing care provider, personal care services including, without limitation, assisted living care services designated by the continuing care agreement, including such services being provided pursuant to a contract to ensure the availability of such services to an individual not related by consanguinity or affinity to the provider furnishing such care upon payment of an entrance fee.

(2) 'Continuing care agreement' means a contract or agreement to provide continuing care or limited continuing care. Agreements to provide continuing care or limited continuing care include agreements to provide care for any duration, including agreements that are terminable by either party.

(3) 'Entrance fee' means an initial or deferred payment of a sum of money or property made as full or partial payment to assure the resident continuing care, ~~or~~ limited continuing care, or continuing care upon the purchase of a resident owned living unit; provided, however, that any such initial or deferred payment which is greater than or equal to 12 times the monthly care fee shall be presumed to be an entrance fee so long as such payment is intended to be a full or partial payment to assure the resident lodging in a residential unit. An accommodation fee, admission fee, or other fee of similar form and application greater than or equal to 12 times the monthly care fee shall be considered to be an entrance fee. Such term shall not include any portion of the purchase or sale of a resident owned living unit.

(4) 'Facility' means a place which is owned or operated by a provider and provides ~~in which it is undertaken to provide~~ continuing care or limited continuing care. Such term includes a facility which contains resident owned living units.

(5) 'Licensed' means that the provider has obtained a certificate of authority from the department.

(6) 'Limited continuing care' means furnishing pursuant to ~~an~~ a continuing care agreement:

(A) ~~lodging~~ Lodging that is not:

(i) ~~in~~ In a skilled nursing facility, as such term is defined in paragraph (34) of Code Section 31-6-2~~,~~;

(ii) ~~an~~ An intermediate care facility, as such term is defined in paragraph (22) of Code Section 31-6-2~~,~~;

(iii) An assisted living community, as such term is defined in Code Section 31-7-12.2; or

(iv) ~~a~~ A personal care home, as such term is defined in Code Section 31-7-12;

(B) ~~food~~ Food; and

(C) ~~personal~~ Personal services, whether such personal services are provided in a facility such as a personal care home or an assisted living community or in another setting designated by the continuing care agreement, to an individual not related by consanguinity or affinity to the provider furnishing such care upon payment of an entrance fee.

(7) 'Monthly care fee' means the fee charged to a resident for continuing care or limited continuing care on a monthly or periodic basis. Monthly care fees may be increased by the provider to provide care to the resident as outlined in the continuing care agreement. Periodic fee payments or other prepayments shall not be monthly care fees.

(8) 'Nursing care' means services which are provided to residents of skilled nursing facilities or intermediate care facilities.

(9) 'Personal services' means, but is not limited to, such services as individual assistance with eating, bathing, grooming, dressing, ambulation, and housekeeping; supervision of self-administered medication; arrangement for or provision of social and leisure services; arrangement for appropriate medical, dental, nursing, or mental health services; and other similar services which the department may define. Personal services shall not be construed to mean the provision of medical, nursing, dental, or mental health services ~~by the staff of a facility~~. Personal services provided, if any, shall be designated in the continuing care agreement.

(10) 'Provider' means the owner or operator, whether a natural person, partnership, or other unincorporated association, however organized, trust, or corporation, of an institution, building, residence, or other place, whether operated for profit or not, which owner or operator undertakes to provide continuing care or limited continuing care for a fixed or variable fee, or for any other remuneration of any type~~, whether fixed or variable,~~ for the period of care, payable in a lump sum or lump sum and monthly maintenance charges or in installments.

(11) 'Resident' means a purchaser of or a nominee of or a subscriber to a continuing care agreement. Such an agreement shall not be construed to give the resident a part ownership of the facility in which the resident is to reside unless expressly provided for in the agreement.

(12) 'Residential unit' means a residence or apartment in which a resident lives that is not a skilled nursing facility as defined in paragraph (34) of Code Section 31-6-2, an intermediate care facility as defined in paragraph (22) of Code Section 31-6-2, an

assisted living community as defined in Code Section 31-7-12.2, or a personal care home as defined in Code Section 31-7-12.

(13) 'Resident owned living unit' means a residence or apartment, the purchase or sale of which is not included in an entrance fee, which is a component part of a facility and in which the resident has an individual real property ownership interest."

SECTION 2.

Said chapter is further amended by revising Code Section 33-45-3, relating to certificate of authority required for operation of continuing care facilities, as follows:

"33-45-3.

(a) Nothing in this title or chapter shall be deemed to authorize any provider ~~of a continuing care facility or a facility providing limited continuing care~~ to transact any insurance business other than that of continuing care insurance or limited continuing care insurance or otherwise to engage in any other type of insurance unless it is authorized under a certificate of authority issued by the department under this title. Nothing in this chapter shall be construed so as to interfere with the jurisdiction of the Department of Community Health or any other regulatory body exercising authority over ~~continuing care providers or limited continuing care~~ providers regulated by this chapter or real property law related to the purchase and sale of resident owned living units.

(b) Nothing in this chapter shall be construed so as to modify or limit in any way:

(1) Provisions of Article 3 of Chapter 6 of Title 31 and any rules and regulations promulgated by the Department of Community Health pursuant to such article relating to certificates of need for continuing care retirement communities or home health agencies, as such terms are defined in Code Section 31-6-2; or

(2) Provisions of Chapter 7 of Title 31 relating to licensure or permit requirements and any rules and regulations promulgated by the Department of Community Health pursuant to such chapter, including, without limitation, licensure or permit requirements for nursing home care, assisted living care, personal care home services, home health services, and private home care services."

SECTION 3.

Said chapter is further amended by revising division (a)(6)(B)(ii) of Code Section 33-45-7, relating to requirements for continuing care agreements, addenda, and amendments, as follows:

"(ii) If the continuing care agreement provides for the facility to retain no more than 1 percent per month of occupancy by the resident, it may provide that such refund will be payable upon receipt by the provider of the next entrance fee for any comparable residential unit upon which there is no prior claim by any resident; provided, however, that the agreement may define the term 'comparable residential unit upon which there is no prior claim'; specifically delineate when such refund is due; and establish the order of priority of refunds to residents. Unless the provisions of subsection (e) of this Code section apply, for any

prospective resident, ~~regardless of whether or not~~ except when such resident receives a transferable membership or ownership right in ~~the facility~~ a resident owned living unit, who cancels the agreement prior to occupancy of the residential unit, the refund shall be the entire amount paid toward the entrance fee, less a processing fee not to exceed 4 percent of the entire entrance fee, but in no event shall such processing fee exceed the amount paid by the prospective resident. Such refund shall be paid no later than 60 days after the giving of notice of intention to cancel. For a resident who has occupied his or her residential unit and who has received a transferable membership or ownership right in the facility, the foregoing refund provisions shall not apply but shall be deemed satisfied by the acquisition or receipt of a transferable membership or an ownership right in the facility. The provider shall not charge any fee for the transfer of membership or sale of an ownership right. Nothing in this paragraph shall be construed to require a continuing care agreement to provide a refund to more than one resident at a time upon the vacation of a specific comparable residential unit;"

SECTION 4.

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

"33-45-7.1.

A provider which has obtained a certificate of authority pursuant to Code Section 33-45-5 and the written approval of the commissioner is authorized to offer, as a part of the continuing care agreement, continuing care in which the resident purchases a resident owned living unit, subject to the provisions of Chapters 6 and 7 of Title 31 and rules and regulations promulgated by the Department of Community Health pursuant to such chapters relating to certificate of need and licensure requirements."

SECTION 5.

Said chapter is further amended by revising subsection (a) of Code Section 33-45-10, relating to information disclosure requirements, as follows:

"(a) Each facility shall maintain as public information, available upon request, a copy of its current disclosure statement and the disclosure and all previous disclosure statements that have been filed with the department. Each facility shall post in a prominent position in the facility, so as to be accessible to all residents and to the general public, a notice explaining where such disclosure statements may be viewed. In conjunction with the disclosure statement, the facility shall notify residents of any proposed changes in policies, programs, and services."

SECTION 6.

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

An amendment by Representative Ramsey of the 72nd was withdrawn.

The Committee substitute was adopted.

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

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

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y 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
Dempsey
Y Dickerson
Y Dickey
Y Dickson
N Dollar
Y Douglas
N Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
N Dutton
Y Efstration
N Ehrhart
N 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
N Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Holt
N Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
N 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
N Meadows
Y Mitchell
N Moore
Y Morgan
N Morris
Mosby
N 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
N Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
E 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
N Stephenson
E 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 158, nays 15.

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

Representative Burns of the 159th moved that the following Bill of the Senate be withdrawn from the Committee on Game, Fish, & Parks and recommitted to the Committee on Rules:

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.

The motion prevailed.

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 bills of the House:

HB 1060. By Representatives Willard of the 51st, Wilkinson of the 52nd, Lindsey of the 54th, Geisinger of the 48th, Golick of the 40th and others:

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

HB 1115. By Representatives Geisinger of the 48th, Dudgeon of the 25th, Jones of the 47th, Lindsey of the 54th, Rice of the 95th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in unincorporated Fulton County and within each municipality therein, approved April 3, 1987 (Ga. L. 1987, p. 5460), as amended, particularly by an Act approved April 2, 1998 (Ga. L. 1998, p. 4065), as amended, so as to change certain definitions; to change certain provisions regarding written consent of property owners; to change provisions relating to the appointment of district board members; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 1121. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Douglas, approved March 10, 1993 (Ga. L. 1993, p. 4022), as amended, so as to revise provisions related to the compensation of the mayor

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

HB 1131. By Representatives Rogers of the 29th, Dunahoo of the 30th, Hawkins of the 27th and Barr of the 103rd:

A BILL to be entitled an Act to create a board of elections and registration for Hall 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 1132. 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 create the Gainesville Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the City of Gainesville, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1133. By Representatives Randall of the 142nd, Beverly of the 143rd, Epps of the 144th and Peake of the 141st:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the restructuring of the government of the City of Macon, the City of Payne City, and Bibb County," approved April 20, 2012 (Ga. L. 2012, p. 5595), as amended, so as to provide that for certain purposes, commissioners shall be eligible to participate in health care benefits; to repeal conflicting laws; and for other purposes.

HB 1135. By Representative Ralston of the 7th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Ellijay in Gilmer County, approved April 11, 1979 (Ga. L. 1979, p. 3881), as amended, so as to change the corporate boundaries of the city and

exclude certain territory from the City of Ellijay; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1137. By Representatives Turner of the 21st, Caldwell of the 20th and Moore of the 22nd:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Holly Springs in the County of Cherokee, approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3679), and an Act approved April 24, 2013 (Ga. L. 2013, p. 3648), so as to provide for the terms and manner of election of the mayor and councilmembers; to provide for wards; to provide for qualifications; to provide for the filling of vacancies; to provide for removal from office; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1138. By Representatives Holcomb of the 81st and Taylor of the 79th:

A BILL to be entitled an Act to amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the corporate limits; to authorize certain tax exemptions; to prohibit certain annexation efforts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1139. By Representatives Holcomb of the 81st and Taylor of the 79th:

A BILL to be entitled an Act to amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the corporate limits; to authorize certain tax exemptions; to prohibit certain annexation efforts; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1144. By Representatives Wilkerson of the 38th, Evans of the 42nd, Smith of the 41st, Ehrhart of the 36th, Carson of the 46th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Powder Springs, approved March 13, 1970 (Ga. L. 1970, p. 2760), as amended, particularly by an Act approved May 6, 2013 (Ga. L. 2013, p. 4194), so as to provide for annexation of certain property; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1146. By Representatives Burns of the 159th and Hitchens of the 161st:

A BILL to be entitled an Act to amend an Act to reconstitute the board of education for the Effingham County School District, approved March 26, 1987 (Ga. L. 1987, p. 4596), as amended, so as to change the compensation for members of the board; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1147. By Representative Knight of the 130th:

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

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

HB 1114. By Representatives Williams of the 168th and Stephens of the 164th:

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

HB 1128. By Representatives Henson of the 86th, Drenner of the 85th, Holcomb of the 81st, Jacobs of the 80th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, so as to change the corporate limits of the city by annexing certain territory; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1136. By Representatives Jacobs of the 80th, Holcomb of the 81st and Oliver of the 82nd:

A BILL to be entitled an Act to authorize the City of Brookhaven 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.

Mr. Speaker:

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

HB 251. By Representative Powell of the 32nd:

A BILL to be entitled an Act to amend Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related objects, so as to provide definitions; to prohibit the sale of alternative nicotine products or components thereof to minors; to provide for verification of age prior to sale; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 820. By Representatives Powell of the 171st, Welch of the 110th, Hightower of the 68th, Kelley of the 16th, Evans of the 42nd and others:

A BILL to be entitled an Act to amend Code Section 44-3-106 of the Official Code of Georgia Annotated, relating to the powers and responsibilities of condominium associations and tort actions, so as to clarify provisions relating to the standing of the association to participate in litigation under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 834. By Representatives Clark of the 101st and Sims of the 169th:

A BILL to be entitled an Act to amend Code Section 36-82-1 of the Official Code of Georgia Annotated, relating to elections for approval of bonded debt, so as to repeal a population Act provision relating to dates of bond elections; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 264. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to extensively revise such Act; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 265. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 2030. By Representative Setzler of the 35th:

A RESOLUTION recognizing and commending Michael John Head; and for other purposes.

HR 2031. By Representative Setzler of the 35th:

A RESOLUTION recognizing and commending Carson Wade Long; and for other purposes.

HR 2032. By Representative Setzler of the 35th:

A RESOLUTION recognizing and commending Matthew John Head; and for other purposes.

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

Representative Burns of the 159th et al.

The House was called to order by the Speaker for the purpose of receiving the Governor of Georgia, the Honorable Nathan Deal.

The Honorable Nathan Deal appeared before the House and addressed the members.

The Speaker announced the House in recess until 2:00 o'clock, this afternoon.

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 substitute, by the requisite constitutional majority, the following bills of the House:

HB 405. By Representatives Mayo of the 84th, Fludd of the 64th, Casas of the 107th, Coleman of the 97th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require members of governing boards of nonprofit organizations which are charter petitioners, charter schools, and state charter schools to participate in governance training; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 697. By Representatives Evans of the 42nd, Ehrhart of the 36th, Abrams of the 89th, Riley of the 50th, Nimmer of the 178th and others:

A BILL to be entitled an Act to amend Code Section 20-3-519.5 of the Official Code of Georgia Annotated, relating to eligibility requirements for HOPE grants, so as to revise the amount of HOPE grants; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 877. By Representatives Roberts of the 155th, Sims of the 123rd, Harbin of the 122nd, Prince of the 127th and Smith of the 70th:

A BILL to be entitled an Act to amend Title 40 of the O.C.G.A., relating to motor vehicles, so as to provide local authorities with the ability to regulate the use of personal transportation vehicles upon roadways and designated

paths and lanes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 2:45 o'clock, this afternoon.

The Speaker Pro Tem called the House to order.

The following Resolutions of the House were read and adopted:

HR 2033. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Award Winner Esther Vaughn; and for other purposes.

HR 2034. By Representatives Beverly of the 143rd, Randall of the 142nd, Bentley of the 139th, Jackson of the 128th and Sims of the 169th:

A RESOLUTION honoring the life and memory of Pastor Alexander Ingram; and for other purposes.

HR 2035. By Representatives Shaw of the 176th, Houston of the 170th, Carter of the 175th and Black of the 174th:

A RESOLUTION honoring and celebrating the 90th birthday of Mrs. Nell Patten Roquemore; and for other purposes.

HR 2036. By Representative Nimmer of the 178th:

A RESOLUTION recognizing and commending Mr. Robert M. Williams, Jr., of Blackshear upon his service as president of National Newspaper Association; and for other purposes.

HR 2037. By Representatives Waites of the 60th, Stephens of the 165th, Smyre of the 135th, Prince of the 127th, Oliver of the 82nd and others:

A RESOLUTION recognizing and commending Coach Angela Thompson; and for other purposes.

HR 2038. By Representative Epps of the 132nd:

A RESOLUTION recognizing and commending Leete Hill United Methodist Church; and for other purposes.

HR 2039. By Representatives Golick of the 40th, Evans of the 42nd and Teasley of the 37th:

A RESOLUTION recognizing and commending Lance Cooper; and for other purposes.

HR 2040. By Representatives Martin of the 49th, Jones of the 47th, Riley of the 50th and Wilkinson of the 52nd:

A RESOLUTION recognizing and commending the Cambridge High School men's varsity wrestling program; and for other purposes.

HR 2041. By Representatives Evans of the 42nd, Wilkerson of the 38th, Morgan of the 39th, Smith of the 41st, Jones of the 53rd and others:

A RESOLUTION honoring the life and memory of Roberto Moraes; and for other purposes.

HR 2042. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Employer Award Winner Fore Orthodontics; and for other purposes.

HR 2043. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Award Winner Tracey Koehler; and for other purposes.

HR 2044. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Award Winner David Newby; and for other purposes.

HR 2045. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Award Winner Drew Taylor; and for other purposes.

HR 2046. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Board of Governor's Award Winner Frank Barron; and for other purposes.

HR 2047. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Award Winner Horace "Ed" Edmondson; and for other purposes.

HR 2048. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending 2014 Heart of the Community Award Winner Barbara Monday; and for other purposes.

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

HB 265. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to provide for staggered terms for the board of directors of the Metropolitan Atlanta Rapid

Transit Authority; to provide for a limit or re-appointment of board members; to revise the amount of certain payments and contract amounts requiring board approval; 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 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, is amended by repealing in its entirety Code Section 32-9-13, relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities.

SECTION 2.

Said chapter is further amended by revising Code Section 32-9-14, relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority, as follows:

"32-9-14.

(a) Any provisions to the contrary in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, notwithstanding, the terms of all members of the board of directors of the Metropolitan Atlanta Rapid Transit Authority shall terminate on December 31, 2010, and the board shall be reconstituted according to the provisions of this Code section.

(b) Effective January 1, 2011, the board of directors of the authority shall be composed of 11 voting members and one nonvoting member. Of the voting members: three members shall be residents of the City of Atlanta to be nominated by the mayor and elected by the city council; four members shall be residents of DeKalb County to be appointed by the DeKalb County Board of Commissioners and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur; three members shall be residents of Fulton County to be appointed by the local governing body thereof, and one of such appointees shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta and two of such appointees shall be residents of that portion of Fulton County lying north of the corporate limits of the City of Atlanta. The commissioner of transportation shall be a voting member of the board and the executive director of the Georgia Regional Transportation Authority shall be a nonvoting member of the board. <u>Those board members in office on May 31, 2014, shall serve until December 31, 2014. Those board members in office as of January 1, 2015, shall serve initial terms of office as follows: one of the four appointees of the DeKalb County Board of Commissioners, one of the three appointees of the Mayor and City Council of Atlanta, and one of the three appointees of the local governing body of Fulton County shall serve a term of one year; one of the four appointees of the DeKalb</u>

County Board of Commissioners, one of the three appointees of the Mayor and City Council of Atlanta, and one of the three appointees of the local governing body of Fulton County shall serve a term of two years; one of the four appointees of the DeKalb County Board of Commissioners and one of the three appointees of the Mayor and City Council of Atlanta shall serve a term of three years; one of the four appointees of the DeKalb County Board of Commissioners and one of the three appointees of the local governing body of Fulton County shall serve a term of four years. No later than November 1, 2014, each local governing authority shall designate which board members shall serve which initial terms. After the initial terms of board members described in this subsection, the ~~The~~ governing body that appoints a member shall appoint successors thereto for terms of office of four years in the same manner that such governing body makes its other appointments to the board.

(c) All appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration of term shall be filled for the unexpired portion thereof by the local governing body that made the original appointment to the vacant position, or its successor in office. A member of the board may be appointed to succeed himself or herself for one four-year term; provided, however, that board membership prior to January 1, 2015, shall not be considered in calculating limits on length of service. Appointments to fill expiring terms shall be made by the local governing body prior to the expiration of the term, but such appointments shall not be made more than 30 days prior to the expiration of the term. Members appointed to the board shall serve for the terms of office specified in this Code section and until their respective successors are appointed and qualified.

(d) The local governing bodies of Clayton, Cobb, and Gwinnett Counties may, any other provision of this Code section to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of their respective counties the question of approval of a rapid transit contract between the county submitting the question and the authority. The local governing bodies of these counties shall be authorized to execute such rapid transit contracts prior to the holding of a referendum provided for in Section 24 of the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended; provided, however, that any such rapid transit contract shall not become valid and binding unless the same is approved by a majority of those voting in said referendum, which approval shall also be deemed approval of further participation in the authority. Upon approval of such rapid transit contract, the county entering into such contract shall be a participant in the authority, and its rights and responsibilities shall, insofar as possible, be the same as those belonging to Fulton and DeKalb Counties, and the local governing body of the county may then appoint two residents of the county to the board of directors of the authority, to serve a term ending on the thirty-first day of December in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the board of directors of the authority shall, be composed also of such additional members.

(e) Except for the Executive Director of the Georgia Regional Transportation Authority and the commissioner of transportation, no ~~No~~ person shall be appointed as a member of the board who holds any other public office or public employment except an office in the reserves of the armed forces of the United States or the National Guard; any member who accepts or enters upon any other public office or public employment shall be disqualified thereby to serve as a member.

(f) A local governing body may remove any member of the board appointed by it for cause. No member shall be thus removed unless the member has been given a copy of the allegations against him or her and an opportunity to be publicly heard in his or her own defense in person with or by counsel with at least ten days' written notice to the member. A member thus removed from office shall have the right to a judicial review of the member's removal by an appeal to the superior court of the county of the local governing body which appointed the member, but only on the ground of error of law or abuse of discretion. In case of abandonment of the member's office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (e) of this Code section, the office of a member shall be vacant upon the declaration of the board. A member shall be deemed to have abandoned the member's office upon failure to attend any regular or special meeting of the board for a period of four months without excuse approved by a resolution of the board, or upon removal of the member's residence from the territory of the local governing body that appointed the member.

(g) Each appointed member of the board, except the chairperson, shall be paid by the authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 for each day on which that member attends an official meeting of the board, of any committee of the board, or of the authority's Pension Committee, Board of Ethics, or Arts Council; provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year. If the chairperson of the board is an appointed member of the board, the chairperson shall be paid by the authority a per diem allowance in the same amount for each day in which the chairperson engages in official business of the authority, including but not limited to attendance of any of the aforesaid meetings. A member of the board shall also be reimbursed for actual expenses incurred by that member in the performance of that member's duties as authorized by the board. A board member shall not be allowed employee benefits.

(h) The board shall elect one of its members as chairperson and another as vice chairperson for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the board may prescribe. The presiding officer of the board may continue to vote as any other member, notwithstanding the member's duties as presiding officer, if the member so desires. The chairperson may select a designee from current members to act on behalf of the chairperson for official business of the authority. Such designee shall be paid by the authority a per diem allowance in the same amount for each day in which the designee engages in official business of the authority, including but not limited to attendance of any official meeting of the board,

of any committee of the board, or of the authority's Pension Committee, Board of Ethics, or Arts Council, provided that said per diem allowance shall not be paid to such member for more than 130 days in a calendar year. The board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the board may hold only one office on the board at any one time.

(i) The board shall hold at least one meeting each month. The secretary of the board shall give written notice to each member of the board at least two days prior to any called meeting that may be scheduled, and said secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for the giving of notice as above. A majority of the total membership of the board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present, the board may exercise all the powers and perform all the duties of the board, except as otherwise hereinafter provided or as limited by its bylaws, and no vacancy on the original membership of the board, or thereafter, shall impair the power of the board to act. All meetings of the board, its executive committee, or any committee appointed by the board shall be subject to Chapter 14 of Title 50.

(j) Notwithstanding any other provisions of this Code section, the following actions by the board shall require the affirmative vote of one more than a majority of the total membership of the board as it may exist at the time:

(1) The issuance and sale of revenue bonds or equipment trust certificates;

(2) The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof. Prior to the purchase or lease of any such privately owned system a public hearing pertaining thereto shall have been held and notice of such public hearing shall have been advertised; provided, however, that no sum shall be paid for such privately owned system of transportation in excess of the fair market value thereof determined by a minimum of two appraisers qualified to appraise privately owned systems of transportation and approved by a majority of the local governments participating in the financing of such purchase;

(3) The award of any contract involving ~~$100,000.00~~ $200,000.00 or more for construction, alterations, supplies, equipment, repairs, maintenance, or services other than professional services or for the purchase, sale, or lease of any property. The board by appropriate resolution may delegate to the general manager the general or specific authority to enter into contracts involving less than ~~$100,000.00~~ $200,000.00;

(4) The grant of any concession; and

(5) The award of any contract for the management of any authority owned property or facility.

(k) The board shall appoint and employ, as needed, a general manager and a general counsel, none of whom may be members of the board or a relative of a member of the board, and delegate to them such authority as it may deem appropriate. It may make such bylaws or rules and regulations as it may deem appropriate for its own

government, not inconsistent with this Code section, including the establishment of an executive committee to exercise such authority as its bylaws may prescribe.

(l) The treasurer of the authority and such other members of the board and such other officers and employees of the authority as the board may determine shall execute corporate surety bonds, conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for this purpose. Neither the obligation of the principal or the surety shall extend to any loss sustained by the insolvency, failure, or closing of any depository which has been approved as a depository for public funds.

~~(m)(1) In addition to the requirements of subsection (i) of this Code section, each member of the board shall hold a meeting once each 12 months with the local governing body that appointed such member. The secretary of the board shall give written notice to each member of the board, to each local governing body, and to the governing authority of each municipality in the county in which there is an existing or proposed rail line at least two days prior to any meeting that may be scheduled, and said secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for giving such notice. These meetings shall be for the purpose of reporting to the local governing bodies on the operations of the authority and on the activities of the board and making such information available to the general public. No activity that requires action by the board shall be initiated or undertaken at any meeting conducted under this subsection.~~

~~(2) The board shall submit once each three months a written report on the operations of the authority and on the activities of the board to each local governing body that appoints a member of the board.~~"

SECTION 3.

This Act shall become effective on June 1, 2014.

SECTION 4.

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

The following amendment was read and adopted:

Representative Jacobs of the 80th et al. offer the following amendment:

Amend the Senate Committee on Transportation substitute to HB 265 (LC 39 0739S) by deleting lines 3 through 7 and inserting in lieu thereof the following:

of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to amend Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use taxes in general, so as to extend the date for the applicability of an exemption to the local sales and use tax cap for a county that levied a tax for the purposes of a metropolitan area system of public transportation;

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

By deleting lines 11 through 13 and inserting in lieu thereof the following:
transportation, is amended by repealing in their entirety Code Sections 32-9-13 and 32-9-14, relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities and the board of directors of the Metropolitan Atlanta Rapid Transit Authority, respectively.

By deleting lines 15 through 191 and inserting in lieu thereof the following:
Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use taxes in general, is amended by revising subsection (a) of Code Section 48-8-6, relating to limitations upon the authority of local governments to levy sales and use taxes and other similar taxes, as follows:

"(a) There shall not be imposed in any jurisdiction in this state or on any transaction in this state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent. For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and use tax which is levied in an area consisting of less than the entire state, however authorized, including such taxes authorized by or pursuant to constitutional amendment, except that the following taxes shall not count toward or be subject to such 2 percent limitation:

(1) A sales and use tax for educational purposes exempted from such limitation under Article VIII, Section VI, Paragraph IV of the Constitution;

(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~~ 2016. 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;

(3) In the event of a rate increase imposed pursuant to Code Section 48-8-96, only the amount in excess of the initial 1 percent sales and use tax and in the event of a newly imposed tax pursuant to Code Section 48-8-96, only the amount in excess of a 1 percent sales and use tax;

(4) A sales and use tax levied under Article 4 of this chapter; and

(5) A sales and use tax levied under Article 5 of this chapter.

If the imposition of any otherwise authorized local sales tax, local use tax, or local sales and use tax would result in a tax rate in excess of that authorized by this subsection, then such otherwise authorized tax may not be imposed."

SECTION 3.

This Act shall become effective on June 1, 2014, only if an Act providing for the suspension of restrictions on the use of annual proceeds from sales and use taxes by the Metropolitan Atlanta Rapid Transit Authority and reconstituting the board of directors of the Metropolitan Atlanta Rapid Transit Authority is enacted at the 2014 regular session of the General Assembly. Otherwise, all provisions of this Act shall not become effective and shall stand repealed on June 1, 2014.

SECTION 4.

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

Representative Jacobs of the 80th moved that the House agree to the Senate substitute, as amended by the House, to HB 265.

On the motion, 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	N Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, L
N 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
E Battles
N Beasley-Teague
Y Bell
N Bennett
Y Bentley
Y Benton
Y Beverly
Y Black
Y Braddock
Y Broadrick
Y Brockway
N 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 Dickey
Y Dickson
Dollar
Y Douglas
N Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Dutton
Y Efstration
N 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 Hawkins
N 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
Morris
N 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
Pruett
Y Quick
Y Ramsey
Y Randall
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
E Setzler
Y Sharper
Y Shaw
Y Sims, B
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
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
N Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 159, nays 11.

The motion prevailed.

HB 264. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to extensively revise such Act; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to revise such Act; to revise the procedure for the issuance of bonds; to revise requirements for annual reporting; to provide for a suspension of restrictions on the use of sales and use tax proceeds; 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 known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising subsection (h) of Section 10 as follows:

"(h) Bonds of the Authority ~~shall~~ may be sold by public competitive bidding~~, unless such requirement is waived by the local governments participating in the Authority at the time of such sale, in which event the bonds may be sold~~ or through negotiation with a prospective purchaser or purchasers. If, with respect to the sale of any particular issue of bonds, public competitive bidding is contemplated, the advertising of the notice of sale and invitation to bid with respect thereto shall be advertised as is customarily done in the handling of governmental bond issues and Section 14(b) as to these matters shall not apply. The Authority may negotiate the sale of its bonds to the Federal Government."

SECTION 2.

Said Act is further amended by revising subsections (b) through (d) of Section 14 as follows:

"(b) All such acquisitions, dispositions and contracts involving ~~$100,000.00~~ $200,000.00 or more shall be awarded only after advertising in the local newspaper of the largest circulation in the metropolitan area at least once a week in the two weeks prior to the bid opening. Bids shall be publicly opened and read aloud at a date, time and place designated in the invitation to bid. Invitations to bid shall be sent at least one week prior to the bid opening to at least three potential bidders who are qualified technically and financially to submit bids, or, in lieu thereof, a memorandum shall be kept on file showing that less than three potential bidders so qualified exist in the market area within which it is practicable to obtain bids. Prior to the award of a contract which will call for an anticipated aggregate payment of ~~$150,000.00~~ $200,000.00 or more to the successful bidder, the Authority shall make an accurate and brief summary thereof available to the public in its principal office and shall ~~publish~~ post notice of its intention to award such contract to the successful bidder at least five days prior to such award ~~in the local newspaper of the largest circulation in the metropolitan area~~ in a prominent location on the Authority's website. Such ~~advertisement~~ posting shall state the name of the successful bidder, the amount of the

contract and its subject matter. This provision shall apply to contracts entered into thirty days or more after the effective date of this Act.

(c) Except as otherwise provided in this Section, written price quotations from at least three qualified and responsible vendors, or vendees as the case may be, shall be obtained for all acquisitions, dispositions and contracts involving ~~less than $100,000.00 and over $10,000.00~~ $200,000.00 or more, or, in lieu thereof, a memorandum approved by the Board shall be kept on file showing that less than three vendors or vendees, as the case may be, so qualified exist in the market area within which it is practicable to obtain quotations. Acquisitions shall be made from, and contracts awarded to, the lowest responsible quotation, and dispositions of property shall be made to the highest responsible quotation.

(d) Acquisitions, dispositions and contracts involving ~~$10,000.00 or less~~ less than $200,000.00 may be negotiated with or without competitive bidding under sound procurement procedures as promulgated and established by the Board."

SECTION 3.

Said Act is further amended by revising Section 14A as follows:

"The Authority shall have available at its principal office for public inspection at all times during regular business hours of the Authority an accurate and brief summary disclosing all material terms of each contract which the Authority has entered into and the terms of which call for expenditures by the Authority of more than $150,000. The Authority shall prepare an annual report for the period ending June 30 of each year. Each annual report shall include a statement of the tax revenue and operating revenue received during the period, a statement of the total expenditures made during the period and a list of all written contracts entered into by the Authority during the period which call for the Authority to expend at any time in the aggregate more than $50,000. Such list shall also include any employment or consultant contracts (whether or not written) under which the employee or consultant is to be compensated at an annual rate of more than $20,000, including direct and indirect or deferred benefits. When a person or firm, whose salary or fee is reportable hereunder, shall have his compensation increased at any time, the amount of such increase and the total new rate shall be reported for the period in which the increase takes effect. The list of contracts shall state the anticipated amount of funds to be paid thereunder, or the formula for determining such amount. The Authority shall also prepare a list of the names of each person, firm or corporation which has received from the Authority during such period in excess of $20,000, as well as the amount paid to such person, firm or corporation during such period. The annual report and lists required by this Section shall be filed as a statement, verified by the Chairman of the Board of the Authority and its General Manager, with members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee, the State Auditor and with governing authorities of each county and the largest municipality in the area of the Authority's operation. The annual report and lists required by this Section shall be prepared and filed within forty-five days of the end of the reporting period, shall be made available at the Authority's principal office for public inspection at all times

during regular business hours of the Authority following such filing, and ~~notice of such availability shall be published in a daily newspaper of general circulation within the entire geographic area of the Authority's operation within fifteen days after filing. Such notice shall occupy at least one quarter of a full page in such newspaper~~ shall be posted in a prominent location on the Authority's website within two weeks of submittal of the report to the parties enumerated in this Section. Such report shall display employee identification numbers and job titles, and no names or social security numbers of employees shall be displayed."

SECTION 4.

Said Act is further amended by revising subsection (a) of Section 24A as follows:

"(a) Notwithstanding the provisions of Section 24 of this Act or any other provision of this Act, the Authority may execute a transportation services contract with any county, municipality, special tax or community improvement district, political subdivision of this state, or any combination thereof being or lying within the counties of Clayton, Cobb, DeKalb, Fulton, or Gwinnett, to provide public transportation services, facilities, or both, for, to, or within such county, municipality, district, subdivision, or combination thereof. A transportation services contract executed pursuant to this Section:

(1) Shall not be a rapid transit contract subject to the conditions established therefor in Section 24 of this Act;

(2) May not utilize a method of financing those public transportation services or facilities provided under the contract which involves:

(A) The issuance of bonds under subsection (c) of Section 24 of this Act;

(B) The levy of the special retail sales and use tax described and authorized in Section 25 of this Act; or

(C) Both methods described in subparagraphs (A) and (B) of this paragraph; and

(3) ~~May not authorize the construction of any extension of or addition to the Authority's existing rapid rail system; and~~

~~(4)~~ Shall require that the costs of any transportation services and facilities contracted for, as determined by the Board of Directors on the basis of reasonable estimates, allocations of costs and capital, and projections shall be borne by one or more of the following:

(A) Fares;

(B) Other revenues generated by such services or facilities; and

(C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity with which the Authority contracted for the services and facilities."

SECTION 5.

Said Act is further amended by revising subsection (i) of Section 25 as follows:

"(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated in

the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended; provided, however, that no more than fifty percent (50%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection, until January 1, 2002. For the period beginning January 1, 2002, and ending June 30, 2002; and for each fiscal year commencing thereafter until December 31, 2008, no more than fifty-five percent (55%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and for the period beginning January 1, 2009, and ending June 30, 2009, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection~~;~~. Such restrictions on the use of annual proceeds from local sales and use taxes shall be suspended through June 30, 2019. ~~except that if~~ If the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Metropolitan Atlanta Rapid Transit Overview Committee annually~~,~~ the original and 14 copies of a report of the findings of a completed management performance audit of the Authority's current operations~~, which audit~~ that was performed under contract with and at the expense of the Authority, along with any auditor's recommendations based thereon and the auditor's signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and allowed access to all its books, records, and documents to the extent the auditor deemed necessary, then for the period beginning January 1, 2003, and ending June 30, 2003, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. For each fiscal year commencing on or after July 1, 2032, no more than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and commencing with July 1, 2032, and for every year thereafter, the proceeds of the tax shall not be used to subsidize operations of the transportation system to an extent greater than fifty percent (50%) of the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. In adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority shall be authorized to rely upon estimates of all revenues, operating costs, patronage, and other factors which may affect the amount of the fare required to limit the operating subsidy herein provided for. If the results of any year's operations reflect that the proceeds of the tax were used to subsidize operations to an extent greater than herein provided, the Board shall adjust fares in order to make up the deficit in operations during a period of not to exceed three (3) succeeding years. If the results of operations in the Authority's fiscal year commencing July 1, 1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not used to subsidize operations to the maximum extent herein

provided, the Board shall reserve any amounts that could have been used to subsidize operations in that fiscal year and later use said reserved amounts and any interest earned on said reserved amounts to provide an additional subsidy for operations in any future fiscal year or years. The words 'operating costs of the system' for purposes of this subsection 25(I) are defined to include all of the costs of that division of the Authority directly involved and that portion of the nonoperating administrative costs of those divisions of the Authority indirectly involved, through the provision of support services, in providing mass transportation services for the metropolitan area, but exclusive of the costs of the division or divisions directly involved and that portion of the nonoperating administrative costs of those divisions indirectly involved, in the planning, design, acquisition, construction, and improvement of the rapid transit system, according to accepted principles of accounting, and also exclusive of the following costs:

(1) Nonrecurring costs and charges incurred in order to comply with any statute or regulation concerning either the protection or cleaning up of the environment, or accessibility by handicapped or disabled persons, or occupational health or safety, or compliance with any national or state emergencies, or with any judgment, decree, or order of any court or regulatory agency in implementation of any such statute or regulation; and

(2) In the case of leases of equipment or facilities that, according to generally accepted principles of accounting, would not be classified as capital leases, payments of rent, and other payments for the property subject to such leases or for the use thereof; provided that any costs for regular maintenance or repair of such equipment or facilities shall not be excluded.

If any proceeds of the tax levied pursuant to this Act are held for the purpose of planning, designing, acquiring, or constructing additional facilities or equipment for or improvements to the rapid transit system and are invested, then all interest earned from such investments shall be used only for such purposes or for paying the principal of or interest on bonds or certificates issued for such purposes. Commencing July 1, 1988, and until June 30, 2008, and only if expressly authorized by the board, interest earned on reserve funds set aside for rebuilding, repairing, or renovating facilities of the rapid transit system; for replacing, repairing, or renovating equipment or other capital assets thereof; or from the sale or other disposition of real property, may, without regard to the original source of the funds so reserved, be used to pay the operating costs of the system as such costs are defined in this subsection."

SECTION 6.

This Act shall become effective on June 1, 2014.

SECTION 7.

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

The following amendment was read:

Representative Jacobs of the 80th et al. offer the following amendment:

Amend the Senate Committee on Transportation substitute to HB 264 (LC 39 0736S) by deleting lines 3 through 6 and inserting in lieu thereof the following:
reconstitute the board of directors; to provide for staggered terms for board members; to provide for a limit on re-appointment of board members; to provide for a designee by the chairperson; to provide for a method for nonparticipating counties to join the Authority; to require board approval of certain payments and award of certain contracts; to remove restrictions on the operation of private enterprises; to remove restrictions on fares, rates, and rental charges for charter, group, and party bus services; to revise the procedure for the issuance of bonds; to revise what entities may exercise eminent domain on behalf of the Authority; to revise the amount of certain payments and contract amounts requiring board approval; to revise requirements for annual reporting; to provide for civil penalties to be set by the board for violation of rules and regulations of conduct; to revise procedures for the collective bargaining process; to provide for a suspension of restrictions on the use of sales and use tax proceeds; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

By deleting lines 10 through 20 and inserting in lieu thereof the following:
March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising Section 6 as follows:

"(a) ~~The~~ On and after January 1, 2017, the Board of Directors of the Authority shall be reconstituted and composed of ~~18~~ 11 voting members and two nonvoting members. ~~Four~~ Three members shall be residents of the City of Atlanta to be nominated by the Mayor and elected by the City Council; ~~five~~ four members shall be residents of DeKalb County with three of the four appointees to be appointed by the ~~local governing body thereof~~ Board of Commissioners of DeKalb County and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur and the fourth appointee to be appointed by a majority vote of a caucus of mayors of the municipalities located wholly in DeKalb County; three members shall be residents of Fulton County ~~to be appointed by the local governing body thereof, and at least~~ and one of such ~~appointees~~ members shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta to be appointed by a majority vote of the Fulton County Board of Commissioners, and two of such members shall be residents of that portion of Fulton County lying north of the corporate limits of the City of Atlanta to be appointed by a majority vote of a caucus of mayors of the municipalities of Fulton County lying north of the corporate limits of the City of Atlanta; one member shall be a resident of Fulton or DeKalb County to be appointed by the Governor; one nonvoting member shall be the Commissioner of the Department of Transportation; and one nonvoting member shall be the Executive Director of the Georgia Regional Transportation Authority. Those

board members appointed by a local governing authority, caucus, or the Governor as described in this section in office as of January 1, 2017, shall serve initial terms of office as follows: two of the three appointees of the DeKalb County Board of Commissioners, two of the three appointees of the Mayor and City Council of Atlanta, and one of the two appointees of the caucus of mayors from municipalities lying north of the corporate limits of the City of Atlanta shall serve a term of two years, and the remaining appointees shall serve for terms of four years. No later than December 1, 2016, all board members shall be appointed and each local governing authority or caucus shall designate which board members shall serve an initial term of two years. ~~and that membership position held by a Fulton County resident, appointed by the local governing body of that county, the term of which position expires December 31, 1988, shall, beginning on and after January 1, 1989, be filled by the local governing body of Fulton County appointing a person who is a resident of that portion of Fulton County lying north of the corporate limits of the City of Atlanta; one member shall be a resident of Clayton County to be appointed by the local governing body thereof; and one member shall be a resident of Gwinnett County to be appointed by the local governing body thereof. Four members, representing the State, shall be as follows: the Commissioner of the Department of Transportation who shall be an ex officio member; the State Revenue Commissioner who shall be an ex officio member; the Executive Director of the State Properties Commission who shall be an ex officio member; and the Executive Director of the Georgia Regional Transportation Authority who shall be an ex officio member. The first member who must be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta shall be appointed by the governing body of Fulton County to take office on July 1, 1985, for an initial term ending December 31, 1986. The two members who are DeKalb County residents and appointed by the governing authority thereof and who are added by this paragraph shall each be appointed by the governing body of DeKalb County to take office on July 1, 1985, for an initial term ending December 31, 1986. After the initial terms of those three members added to the Board in 1985,~~ After the initial two-year terms of those five board members described in this subsection, that governing body or caucus which appointed the member for that initial term to that office shall appoint successors thereto for terms of office of four years in the same manner that such governing body or caucus makes its other appointments to the Board.

~~The initial terms of the four members added in 1976 by the above paragraph shall be as follows: the member from DeKalb County to be appointed by the local governing body of DeKalb County shall be appointed no later than sixty days after the effective date of this subsection for a term ending December 31, 1978, and shall take office immediately upon appointment; the Commissioner of the Department of Transportation, the State Revenue Commissioner and the Executive Director of the State Properties Commission shall become members of the Board on the effective date of this subsection and shall serve while holding their State offices.~~

Those board members in office on May 31, 2014, shall serve until December 31, 2016.

The Executive Director of the Georgia Regional Transportation Authority and the Commissioner of the Department of Transportation shall become ~~a member~~ nonvoting members of the Board on the effective date of this sentence and shall serve while holding ~~his or her~~ their State ~~office~~ offices.

Except as provided above, all appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration shall be filled for the unexpired portion thereof by the ~~local governing body~~ appointing entity which made the original appointment to the vacant position, or its successor in office. A member of the Board may be appointed to succeed himself or herself for one four-year term; provided, however, that board membership prior to January 1, 2017, shall not be considered in calculating limits on length of service. Appointments to fill expiring terms shall be made by the ~~local governing body~~ appointing entity prior to the expiration of the term, but such appointments shall not be made more than thirty days prior to the expiration of the term. Members appointed to the Board shall serve for the terms of office specified in this section and until their respective successors are appointed and qualified.

(b) ~~Having initially declined membership on the Board and further participation in the Authority, Cobb County may at any time reclaim its membership on the Board and participate further in the Authority as provided in this subsection (b).~~ The local governing ~~body~~ bodies of Clayton, Cobb, and Gwinnett ~~County~~ counties may, any other provision of this Act to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of their respective counties ~~Cobb County~~ the question of approval of a rapid transit contract between ~~Cobb County~~ the county submitting the question and the Authority, all in accordance with the provisions of Section 24 of this Act. The local governing ~~body~~ bodies of ~~Cobb County~~ these counties shall be authorized to execute such rapid transit contract prior to the holding of the referendum provided for in said Section 24; provided, however, that such rapid transit contract shall not become valid and binding unless the same is approved by a majority of those voting in said referendum, which approval shall also be deemed approval of further participation in the Authority. Upon approval of such rapid transit contract, ~~Cobb County~~ the county entering into such contract shall be a participant in the Authority, and its rights and responsibilities shall, insofar as possible, be the same as if it had participated in the Authority from its beginning, and the local governing body of ~~Cobb County~~ the county may then appoint two residents of ~~Cobb County~~ the county to the Board of Directors of the Authority, to serve a term ending on the 31st day of December in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the Board of Directors of the Authority shall, subsection (a) of this Section 6 to the contrary notwithstanding, be composed of ~~16~~ such additional members.

(c) Reserved.

(d) ~~Except for the ex officio members of the Board, no~~ Except for the Executive Director of the Georgia Regional Transportation Authority and the Commissioner of the Department of Transportation, no person shall be appointed as a member of the Board who holds any other public office or public employment except an office in the

reserves of the armed forces of the United States or the National Guard; any member who accepts or enters upon any other public office or public employment shall be disqualified thereby to serve as a member.

(e) ~~A local governing body~~ An appointing entity may remove any member of the Board appointed by it for cause. No member shall be thus removed unless he or she has been given a copy of the charges against him or her and an opportunity to be publicly heard in his or her own defense in person or by counsel with at least ten days' written notice to the member. A member thus removed from office shall have the right to a judicial review of ~~his~~ the member's removal by an appeal to the superior court of the county ~~of the local governing body which appointed him~~ where the member resides, but only on the ground of error of law or abuse of discretion. In case of abandonment of ~~his~~ the member's office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (d) hereof, the office of a member shall be vacant upon the declaration of the Board. A member shall be deemed to have abandoned ~~his~~ the member's office upon failure to attend any regular or special meeting of the Board for a period of four months without excuse approved by a resolution of the Board, or upon removal of ~~his~~ the member's residence from the territory ~~of the local governing body which appointed him~~ qualifying the member to serve on the Board.

(f) Each appointed member of the Board, except the ~~Chairman~~ Chairperson, shall be paid by the Authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it may hereafter be amended, for each day on which that member attends an official meeting of the Board, of any committee of the Board, or of the Authority's Pension Committee~~,~~ or Board of Ethics~~, or Arts Council~~; provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year. If the ~~Chairman~~ Chairperson of the Board is an appointed member of the Board, the ~~Chairman~~ Chairperson shall be paid by the Authority a per diem allowance in the same amount for each day in which the ~~Chairman~~ Chairperson engages in official business of the Authority, including but not limited to attendance of any of the aforesaid meetings. A member of the Board shall also be reimbursed for actual expenses incurred by that member in the performance of that ~~members~~ member's duties as authorized by the Board. A Board member shall not be allowed employee benefits authorized under Section 8(b).

(g) The Board shall elect one of its members as ~~chairman~~ chairperson and another as ~~vice-chairman~~ vice-chairperson for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the Board may prescribe. The presiding officer of the Board may continue to vote as any other member, notwithstanding ~~his~~ the member's duties as presiding officer, if he or she so desires. The chairperson may select a designee from current members to act on behalf of the chairperson for official business of the authority. Such designee shall be paid by the authority a per diem allowance in the same amount for each day in which the designee engages in official business of the authority, including but not limited to attendance of

any official meeting of the board, of any committee of the board, or of the authority's Pension Committee, Board of Ethics, or Arts Council, provided that said per diem allowance shall not be paid to such member for more than 130 days in a calendar year. The Board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the Board may hold only one office on the Board at any one time.

(h) The Board shall hold at least one meeting each month. The Secretary of the Board shall give written notice to each member of the Board at least two days prior to any called meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for ~~his~~ giving notice as above. A majority of the total voting membership of the Board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present, the Board may exercise all the powers and perform all the duties of the Board, except as otherwise hereinafter provided or as limited by its bylaws, and no vacancy on the original membership of the Board, or thereafter, shall impair the power of the Board to act. All meetings of the Board, its Executive Committee, or any committee appointed by the Board shall be subject to ~~all provisions, except for Section 2(a), of an Act providing that all meetings of certain public bodies shall be open to the public, approved March 28, 1972 (Ga. L. 1972, p. 575), as now or hereafter amended~~ Chapter 14 of Title 50 of the Official Code of Georgia Annotated.

(i) Notwithstanding any other provisions of this Act, the following actions by the Board shall require the affirmative vote of one more than a majority of the total voting membership of the Board as it may exist at the time:

(1) The issuance and sale of revenue bonds as contemplated in Section 10 or equipment trust certificates as contemplated in Section 11.

(2) The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof, as contemplated in Section 8(c) or 8(d). Prior to the purchase or lease of any such privately owned system a public hearing pertaining thereto shall have been held and notice of such public hearing shall have been advertised as provided in Section 9(c) hereof. Provided that no sum shall be paid for such privately owned system of transportation in excess of the fair market value thereof determined by a minimum of two appraisers and approved by a majority of the local governments participating in the financing of such purchase.

(3) The award of any contract involving ~~$100,000.00~~ $200,000.00 or more for construction, alterations, supplies, equipment, repairs, maintenance or services ~~other than professional services, or for the purchase, sale or lease of any property~~. Any contract involving $200,000.00 or more shall be awarded through a competitive bidding process as described in Section 14 of this Act. The Board by appropriate resolution may delegate to the general manager the general or specific authority to enter into contracts involving less than ~~$100,000.00~~ $200,000.00 if such contracts are entered into in accordance with Section 14 of this Act.

(4) The grant of any concession as contemplated in Section 14(f).

(5) The award of any contract for the management of any Authority-owned property or facility as contemplated in Section 14(h).

(j) The Board shall appoint and employ, as needed, a general manager, and a general counsel, none of whom may be members of the Board or a relative of a member of the Board, and delegate to them such authority as it may deem appropriate. It may make such by-laws or rules and regulations as it may deem appropriate for its own government, not inconsistent with this Act, including the establishment of an Executive Committee to exercise such authority as its by-laws may prescribe.

(k) The treasurer of the Authority and such other members of the Board and such other officers and employees of the Authority as the Board may determine shall execute corporate surety bonds, conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for this purpose. Neither the obligation of the principal or the surety shall extend to any loss sustained by the insolvency, failure or closing of any depository which has been approved as a depository for public funds.

(l)~~(1)~~ In addition to the requirements of subsection (h) of this section, each member of the Board shall hold a meeting once each 12 months with the local governing body which appointed such member. The Secretary of the Board shall give written notice to each member of the Board, to each local governing body, and to the governing authority of each municipality in the county in which there is an existing or proposed rail line at least two days prior to any meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for his giving such notice. These meetings shall be for the purpose of reporting to the local governing bodies on the operations of the Authority and on the activities of the Board and making such information available to the general public. No activity which requires action by the Board shall be initiated or undertaken at any meeting conducted under this subsection.

~~(2) The Board shall submit once each three months a written report on the operations of the Authority and on the activities of the Board to each local governing body which appoints a member of the Board.~~"

SECTION 2.

Said Act is further amended by revising subsection (p) of Section 8 as follows:

"(p) ~~The Authority shall have no power to operate taxicabs, or facilities designed exclusively for the transportation of property for hire, nor shall it engage in other activities commonly regarded as private enterprise, except to develop a rapid transit system, provide concessions, off-street parking and other facilities for the comfort, safety and convenience of transit passengers, and otherwise accomplish the purposes and policies expressed and contemplated in this Act.~~ Reserved."

SECTION 3.

Said Act is further amended by revising subsections (c), (e), (f), and (h) of Section 9 as follows:

"(c) The Board shall determine by ~~itself exclusively~~ majority vote after public hearings as hereinafter provided, the routes, types of construction, equipment, and facilities to be operated by the Authority, the scheduled services to be made available to the public and~~, except for the rates, fares, rentals, and charges for charter, group, and party bus services as provided in subsection (f) of this Section,~~ the amounts to be charged therefor. Before making any determinations as to scheduled services or amounts to be charged for such services~~, other than amounts charged for charter, group, and party bus services,~~ the Board shall first hold at least one public hearing after giving notice of the time and place by twice advertising on different days in the newspaper having the largest circulation in the metropolitan area not more than ten days nor less than five days prior to the hearing. As to all other matters, the Board may hold such public hearings as it may deem appropriate, and as to all public hearings, it may prescribe reasonable rules and regulations to govern such hearings not inconsistent with this Act."

"(e) ~~Except for determining the rates, fares, rentals, and charges for charter, group, and party bus services as set forth in subsection (f) of this Section, the function of the Board under subsections (c) and (d) shall not be delegated or exercised by any other person or body under any circumstances.~~ Reserved.

(f) ~~Notwithstanding any other provisions of this Act to the contrary, the per hour rates, fares, rentals, and charges for charter, group, and party bus services rendered by the Authority shall be no less than the lowest per hour rates, fares, rentals, and charges actually charged for charter, group, and party bus services provided by motor common carriers and motor contract carriers in the metropolitan area. Any person aggrieved by any determination of the Board as to any rates, fares, rentals, and charges for charter, group, and party bus services may challenge same by a petition filed, within thirty days of the occurrence of the event or determination complained of, with the Public Service Commission of this State. A hearing, and such other proceedings as may be ordered, upon the aggrieved party's complaint shall be conducted by the Public Service Commission within thirty days after the filing of the complaint in order to determine the lawfulness of the challenged conduct or rates, fares, rentals, and charges for charter, group, and party bus services. The rulings of the Public Service Commission shall be subject to judicial review in any superior court of any county of the metropolitan area in which the charge may be applicable; however, whenever two or more legal actions are brought against the determination of the Public Service Commission in different superior courts, exclusive jurisdiction thereof shall be vested in the first such court to docket such a petition and all other petitions may be refiled in the superior court having exclusive jurisdiction.~~ Reserved."

"(h)(1) Notwithstanding any other provisions of this Act to the contrary, not later than 120 days after the end of each fiscal year of the Authority, the Board shall adjust the amounts to be charged for transportation services to the public so that the total funds to be received from transit operating revenue during the fiscal year of the

Authority ending June 30, 1980, shall be no less than thirty percent of the operating costs of the system for the immediately preceding fiscal year, and so that the total funds to be received from transit operating revenue during the fiscal year ending June 30, 1981, and for each fiscal year thereafter shall be no less than thirty-five percent of the operating costs of the system for the immediately preceding fiscal year. In making such adjustments, the Board shall be authorized to rely upon estimates of all revenue, patronage, and other factors which may affect the amounts to be charged for transportation services to the public; provided, if such amounts actually charged during one fiscal year resulted in transit operating revenue less than that required under this subsection, the amounts to be charged the immediately succeeding fiscal year shall be sufficient, along with all other transit operating revenue, to make up such deficit as well as meet the other requirements of this subsection.

(2) ~~Any differences between amounts charged for various transportation services to the public including, but not limited to, amounts charged for weekend or off peak hours' service, or amounts charged special groups of persons, shall be approved by at least a two thirds' vote of the total membership of the Board as it may exist at the time.~~ Reserved.

(3) Nothing in this subsection (h) shall be construed to change any limitation relating to the subsidy of operating costs of the system under subsection (I) of Section 25 of this Act if such limitation would require increasing transit operating revenue above the amount provided in this subsection.

(4) For purposes of this subsection, 'transit operating revenue' shall include all revenue from fares, rates, and charges for transportation services and revenues from all other sources except the sales and use taxes levied pursuant to Section 25 of this Act; and 'operating costs' means 'operating costs of the system,' as defined in subsection (I) of Section 25 of this Act, and exclusive of depreciation and amortization and other costs and charges as provided in the said definition."

SECTION 4.

Said Act is further amended by revising subsection (h) of Section 10 as follows:

"(h) Bonds of the Authority ~~shall~~ may be sold by public competitive bidding~~, unless such requirement is waived by the local governments participating in the Authority at the time of such sale, in which event the bonds may be sold~~ or through negotiation with a prospective purchaser or purchasers. If, with respect to the sale of any particular issue of bonds, public competitive bidding is contemplated, the advertising of the notice of sale and invitation to bid with respect thereto shall be advertised as is customarily done in the handling of governmental bond issues and Section 14(b) as to these matters shall not apply. The Authority may negotiate the sale of its bonds to the Federal Government."

SECTION 5.

Said Act is further amended by revising Section 12 as follows:

"The Authority shall have no power of eminent domain, but ~~the City of Atlanta and the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett may, for purposes of the Authority, exercise~~ the broadest power of eminent domain shall be available to ~~them~~ any city or county government within the territorial jurisdiction of the Authority or any agency or joint agency thereof, under any statute, ~~and~~ to convey to the Authority any property ~~so acquired~~ upon payment or credit for the total cost of any acquisition hereunder. For purposes of this section, the power of eminent domain shall lie in a city governing body if the property is located within that city's territorial limits and the power of eminent domain shall lie in a county governing body if the property is located in an unincorporated location within the county. However, no local governing body shall exercise any power of eminent domain hereunder with respect to property located beyond its territorial limits."

SECTION 6.

By deleting lines 50 through 111 and inserting in lieu thereof the following:

SECTION 7.

Said Act is further amended by revising Section 14A as follows:

"The Authority shall have available at its principal office for public inspection at all times during regular business hours of the Authority an accurate and brief summary disclosing all material terms of each contract which the Authority has entered into and the terms of which call for expenditures by the Authority of more than $150,000. The Authority shall prepare an annual report for the period ending June 30 of each year. Each annual report shall include a statement of the tax revenue and operating revenue received during the period, a statement of the total expenditures made during the period and a list of all written contracts entered into by the Authority during the period which call for the Authority to expend at any time in the aggregate more than ~~$50,000~~ $20,000.00. Such list shall also include any employment or consultant contracts (whether or not written) under which the employee or consultant is to be compensated at an annual rate of more than $20,000, including direct and indirect or deferred benefits. When a person or firm, whose salary or fee is reportable hereunder, shall have his compensation increased at any time, the amount of such increase and the total new rate shall be reported for the period in which the increase takes effect. The list of contracts shall state the anticipated amount of funds to be paid thereunder, or the formula for determining such amount. The Authority shall also prepare a list of the names of each person, firm or corporation which has received from the Authority during such period in excess of $20,000, as well as the amount paid to such person, firm or corporation during such period. The annual report, together with the Comprehensive Annual Financial Report for the preceding calendar year, and lists required by this Section shall be filed as a statement, verified by the Chairman of the Board of the Authority and its General Manager, with members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee, the Governor, the presiding

officers of the House of Representatives and the Senate, the State Auditor and with governing authorities of each county and the largest municipality in the area of the Authority's operation. The annual report and lists required by this Section shall be ~~prepared and filed within forty-five days of the end of the reporting period~~ submitted by August 31 of each year, shall be made available at the Authority's principal office for public inspection at all times during regular business hours of the Authority following such filing, and ~~notice of such availability shall be published in a daily newspaper of general circulation within the entire geographic area of the Authority's operation within fifteen days after filing. Such notice shall occupy at least one quarter of a full page in such newspaper~~ shall be posted in a prominent location on the Authority's website within two weeks of submittal of the report to the parties enumerated in this Section. Such report shall display employee identification numbers and job titles, and no names or social security numbers of employees shall be displayed."

SECTION 8.

Said Act is further amended by revising subsection (a) of Section 16 as follows:

"(a) The Board shall make provision for a system of financial accounting and controls, audits and reports. All accounting systems and records, auditing procedures and standards, and financial reporting shall conform to generally accepted principles of governmental accounting. Copies of each financial report required under this Section shall be ~~furnished~~ delivered to the members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee and posted on the website of the Authority. Notice of such publication shall be delivered in electronic format to each local governing body of each participating local government in the metropolitan area as described in Section 6 of this Act. All financial records, reports and documents of the Authority shall be public records and open to public inspection under reasonable regulations prescribed by the Board."

SECTION 9.

Said Act is further amended by revising subsections (e) and (g) of Section 17 as follows:

"(e) Not later than December 31, 2016, and every four years thereafter, the ~~The~~ Authority shall cause to be performed an independent ~~annual~~ management audit on the condition of management of the Authority ~~at the expense of the Authority~~, to be supervised and approved by the Metropolitan Atlanta Rapid Transit Overview Committee.~~, and which~~ The management audit shall be submitted to the Board of the Authority, the Governor, the State Auditor, and the Metropolitan Atlanta Rapid Transit Overview Committee before December 31 of each year in which it is required. The management audit shall be performed at the expense of the Authority."

"(g) The Authority shall submit to the Metropolitan Atlanta Rapid Transit Overview Committee, the presiding officers of the House and Senate, and the Governor an annual report which report shall indicate consultant expenses, other professional services, salaries and expenses of full-time and part-time employees and Board members, and payments rendered ~~by~~ to outside companies, ~~or~~ agencies, or entities by ~~to~~ the Authority

for any and all goods, services, and projects. Said report shall be submitted by August 31 of each year and shall include, along with the requirements specified in Section 14A of this Act, the name of the payee, the date of payment, the payment amount, and the purpose of each payment. If such payment was made pursuant to a contract, the date on which the contract was awarded, the length of the contract term, the award amount of the contract, the cumulative payments that have been made toward the contract, including the listed payment, and any related contract or project identification number shall be included in the report alongside the name of the payee, the date of payment, the payment amount, and the purpose of each payment. In addition to a printed copy to be provided to the parties enumerated in this subsection, said report shall be posted in a prominent location on the Authority's website within two weeks of submittal of the report to the parties enumerated in this subsection. The report posted on the Authority's website shall show employee identification numbers and job titles instead of the names of the employees. The employee's social security number shall not be used as the employee's identification number."

SECTION 10.

Said Act is further amended by revising subsections (a) and (b) of Section 20 as follows:

"(a) The Board may promulgate reasonable rules and regulations, not inconsistent with law, for the control and management of its operations, properties, employees and patrons. Violations of rules and regulations governing the conduct of the public in or upon the Authority's transportation system shall be punishable by a civil fine or penalty in an amount set by the Board. All rules and regulations governing the conduct of the public in or upon the Authority's transportation system and the civil fine or penalty for infraction of such rules and regulations shall be posted in a prominent location on the Authority's website.

(b)(1) The Board may provide for the recognition of authorized representatives of the employees of the Authority and for collective bargaining, in accordance with this subsection, with such authorized representatives.

(2) As used in this subsection, the following terms shall have the following meanings:

(A) 'Authorized representative' means the collective bargaining agent for a class of employees, recognized for such purposes by the Board.

(B) 'Collective bargaining' or 'collectively bargain' means performing the mutual obligation of the Authority and the authorized representatives of represented employees to negotiate, in good faith and to impasse, if necessary, over wages, hours, and other terms and conditions of employment with the bona fide intention of reaching a negotiated agreement.

(C) 'Grievance arbitration' means arbitration of a dispute between the Authority and the authorized representative, acting on behalf of a represented employee, which involves the interpretation of an existing labor agreement and the application of the terms and conditions of that labor agreement to the claims of one or more employees.

(D) 'Labor agreement' means an agreement, including any agreement respecting pension or retirement benefits for represented employees, between the Authority and the authorized representative, entered into in accordance with this subsection, which establishes the wages, hours, and other terms and condition of employment for represented employees of the Authority.

(E) 'Represented employee' means an employee of the Authority who is a member of a class of employees for which the Board has recognized an authorized representative.

(3) Every labor agreement entered into by the Authority shall provide for grievance arbitration and shall specify the procedure therefor. In any grievance arbitration, the arbitrators must base their decision upon the express terms and conditions of an existing labor agreement.

(4) Upon or prior to the expiration of an existing labor agreement, the Authority and the authorized representative shall collectively bargain in an effort to reach a successor or replacement labor agreement. If, after expiration of an existing labor agreement, the Authority and the authorized representative are then unable to agree upon the terms and conditions of a new labor agreement, including but not limited to the issue of wages, they shall jointly select or, failing their agreement, upon the written petition of either or both parties, the Governor shall appoint within 30 days after the receipt of said petition a neutral fact finder to investigate and explore all unresolved collective bargaining issues and to render a report to the Authority, the authorized representative, and the public. The neutral fact finder shall conduct such hearings as may be necessary to provide for the full and fair presentation of all unresolved collective bargaining issues by both parties. That fact finder shall be authorized to sign and issue subpoenas for witnesses or documents, to administer oaths, to take oral or written testimony and to take such other actions as may be needed to make comprehensive findings of fact and recommendations. When a subpoena is disobeyed, any party may apply to the Superior Court of Fulton County for an order requiring obedience. Failure to comply with that order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed in the same manner as prescribed by law in civil cases in the superior court.

(5) The fact finder's report shall recommend as to all unresolved collective bargaining issues, including appropriate wages, hours and other terms and conditions of employment for represented employees, and shall set forth supporting factual findings, determined after due consideration of the factors set forth in subparagraphs (A) through (E) of paragraph (8) of this subsection, and shall contain a summary of the findings. The report of the fact finder shall be issued within 30 days after the fact finder is selected or appointed. Upon issuance, the report shall be distributed by the Authority to the Governor, the Metropolitan Atlanta Rapid Transit Overview Committee of the Georgia General Assembly, and each local governing body in the metropolitan area. The fact finder shall cause the summary of findings to be published once in the newspaper having the largest circulation in the metropolitan

area. The fact finder shall be compensated in the same manner as a special master pursuant to Code Section 22-2-106 of the O.C.G.A., and the costs thereof and any other costs of the proceeding shall be borne equally by the parties. After selection or appointment of a fact finder pursuant to this paragraph, the parties may continue to collectively bargain on any issues, including but not limited to those submitted for fact-finding purposes.

(6) Upon issuance of the fact finder's report, the Authority and the authorized representative shall continue to collectively bargain in light of the recommendations set forth in such report. If either party rejects any or all of the fact finder's recommendations and the parties are otherwise unable, through collective bargaining, to reach agreement on such issue or issues, then each party rejecting any of the fact finder's recommendations shall prepare a written statement setting forth the specific recommendations which such party has rejected, the party's counterproposal on the issue or issues, and the reasons for rejecting the fact finder's recommendations. Prior to commencement of any proceeding for interest arbitration, as provided in paragraph (7) of this subsection, each party required under this paragraph to prepare that statement shall cause it to be published in the local newspaper having the largest circulation in the metropolitan area and shall concurrently distribute that statement to the Governor, the Metropolitan Atlanta Rapid Transit Overview Committee of the Georgia General Assembly, and each local governing body in the metropolitan area.

(7) If, within the 30 days following issuance of the fact finder's report, the Authority and the authorized representative are unable to conclude a new labor agreement, either party may then seek ~~binding interest arbitration of all~~ a judicial determination of any unresolved issues between the parties. Such an action may be instituted by the filing of a petition ~~with the Governor for binding interest arbitration and for the appointment of an arbitrator. The Governor shall appoint an arbitrator who is a member of the National Academy of Arbitrators or is approved by the American Arbitration Association within 30 days of the petition. That arbitrator shall decide the issues within 90 days after said petition shall be filed with the Governor. That arbitrator's decision on those issues shall bind both the Authority and the authorized representative. That arbitrator may require the Authority and the authorized representative to provide that arbitrator with such information as the arbitrator determines to be necessary in resolving the issues~~ for a judicial determination. In even-numbered years, the petition shall be filed in the Superior Court of Fulton County and directed to the judge with the greatest length of service in that court. In odd-numbered years, the petition shall be filed in the Superior Court of DeKalb County and directed to the judge with the greatest length of service in that court. The judge, without a jury, shall decide upon the issues within 90 days of filing such petition. The decision of the judge shall be binding upon the Authority and the authorized representative, and there shall be no appeal of such decision. The judge may require the Authority and the authorized representative to provide such information as the judge determines to be necessary in resolving the issues submitted. In the event any unresolved collective bargaining issue, including but not limited to

wage rates for represented employees, is not submitted for judicial determination, the parties shall continue the collective bargaining process with respect to such issues in a good faith effort to reach agreement on such issues or to agree upon the terms and conditions of a stipulation or submission agreement to be submitted for judicial determination as provided for in this paragraph.

(8)(A) In any ~~interest arbitration~~ judicial determination under this subsection, the ~~arbitrator~~ judge shall be bound by any written stipulation or submission agreement between the Authority and the authorized representative concerning such determination. In determining any issue, the ~~arbitrator~~ judge shall ~~also~~ give primary consideration ~~weight both~~ to the report of the neutral fact finder and to the following factors:

~~(A)~~(i) The financial ability of the Authority to pay wages and provide benefits, whether or not increased, including the budget for the current year, the projected budget for the subsequent ten years, and the need to maintain adequate reserves, while adhering to all legal requirements governing the Authority's expenditure of public funds and revenues and maintaining levels of transit service sufficient to serve the metropolitan area; and

~~(B)~~(ii) The amount, if any, of any fare increase which would be necessary to afford a wage or salary increase or improvement in fringe benefits or extension of vacation, holiday, or excused time and the ability of the public to bear a fare increase, with consideration of the per capita income of those persons in the service area~~;~~.

(B) The judge shall also give secondary consideration to the following factors:

~~(C)~~(i) A comparison between the overall wage and salary levels and fringe benefit levels and vacation, holiday and excused time allowances of the Authority's represented employees and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills in other major ground transportation services;

~~(D)~~(ii) A comparison of the hours and working conditions of the Authority's represented employees and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills in other major ground transportation services; and

~~(E)~~(iii) The cost of consumer goods and services within the metropolitan area.

(9) ~~In the event that either party wishes to enforce the decision of the arbitrator, a petition for such enforcement must be filed within ninety (90) days of such decision. In odd numbered years, the petition must be filed in the Superior Court of Fulton County and directed to the senior judge in time of service in that court. In even numbered years, the petition must be filed in the Superior Court of DeKalb County and directed to the senior judge in time of service in that court. The court shall confirm the decision unless the decision is vacated by the court because the court finds that the rights of a party were prejudiced by:~~

~~(A) Corruption, fraud, or misconduct in procuring the decision;~~

~~(B) Partiality of an arbitrator appointed as a neutral;~~

~~(C) An overstepping by the arbitrators of their authority or such imperfect execution of it that a final and definite decision upon the subject of such matter submitted was not made; or~~

~~(D) The arbitrator's manifest disregard for the law.~~

~~The judge's ruling in this enforcement proceeding shall bind the Authority and the authorized representative and there shall be no appeal from this decision.~~

~~(10) Upon vacating a decision, the court may order a rehearing and determination of all or any of the issues either before the same arbitrator or before a new arbitrator appointed as provided by this part. In any provision of an agreement limiting the time for a hearing or decision, time shall be measured from the date of such order or rehearing, whichever is appropriate, or a time may be specified by the court.~~

~~(11)~~ No employee of the Authority shall engage in any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work, and no authorized representative of employees of the Authority shall cause, instigate, encourage, promote or condone any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work by any employee of the Authority. The Authority shall not unilaterally increase, decrease, or otherwise change the wages, including accrued cost of living allowances, or fringe benefits of represented employees as of the last day of an expired contract pending the establishment of new wages and fringe benefits by negotiation or ~~interest arbitration~~ judicial determination.

~~(12)~~(10) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban Mass Transportation Act of 1964, as amended, the Authority at all times shall have the right to determine the method, means, and personnel by which its operations are to be carried on, including the right to hire part-time employees."

SECTION 11.

Said Act is further amended by revising subsection (b) of Section 21 as follows:

"(b) The Authority shall also be exempt from any regulation by the Public Service Commission of this State, except ~~as provided in Section 9(f) of this Act, and except~~ that when any proposed action of the Authority, or any local government on behalf of the Authority, may place a public utility, railroad or public service corporation in violation of the requirements of the Commission, or create the need for collaboration with respect to compliance with the requirements of the Commission, the Authority shall obtain the Commission's cooperation and approval of the proposed action. In such matters and particularly with respect to the matters contemplated in Section 8(j), the Commission shall cooperate with the Authority to accomplish the purposes and policies of this Act."

SECTION 12.

By replacing "2019" *on line 129 with* "2017".

By replacing "**6**" *on line 191 with* "**13**".

By substituting for the period on line 192 the following:
, except for Section 10 of this Act, which shall become effective upon its approval by the Governor or upon its becoming law without such approval.

By replacing "**7**" *on line 193 with* "**14**".

On the adoption of the amendment, 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
E 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
E Dudgeon
N Dukes
Y Dunahoo
Y Duncan
Y Dutton
N Efstration
Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
Y Fleming
N Floyd
N Fludd
N Frazier
N Frye
N Fullerton
N Gardner
Y Gasaway
Y Geisinger
Glanton
Y Golick
N Gordon
Y Gravley
Y Greene
N 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
Houston
N Howard
N Hugley
N Jackson
Y Jacobs
Y Jasperse
Jones, J
N Jones, L
N Jones, S
N Jordan
N Kaiser
Y Kelley
N Kendrick
N Kidd
N Kirby
Y Knight
Y Lindsey
Y Lumsden
N Mabra
N Marin
Y Martin
Y Maxwell
N Mayo
Y McCall
N McClain
Meadows
N Mitchell
N Moore
N Morgan
Morris
N Mosby
N Nimmer
Y Nix
Y 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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y 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
N Smyre
Y Spencer
N Stephens, M
Y Stephens, R
N Stephenson
N Stovall
Y Stover
Y 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
Y Watson, S
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the adoption of the amendment, the ayes were 105, nays 64.

The amendment was adopted.

Representative Jacobs of the 80th moved that the House agree to the Senate substitute, as amended by the House, to HB 264.

On the motion, 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
E 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
E Dudgeon
N Dukes
Y Dunahoo
Y Duncan
Y Dutton
N Efstration
Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
Y Fleming
N Floyd
N Fludd
N Frazier
N Frye
N Fullerton
N Gardner
Y Gasaway
Y Geisinger
Glanton
Y Golick
N Gordon
Y Gravley
Y Greene
N Gregory
Y Hamilton
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
Jones, J
N Jones, L
N Jones, S
N Jordan
N Kaiser
Y Kelley
N Kendrick
N Kidd
N Kirby
Y Knight
Y Lindsey
Y Lumsden
N Mabra
N Marin
Y Martin
Y Maxwell
N Mayo
Y McCall
N McClain
Meadows
N Mitchell
N Moore
N Morgan
Morris
N Mosby
N Nimmer
Y Nix
Y 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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y 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
N Smyre
Y Spencer
N Stephens, M
Y Stephens, R
N Stephenson
N Stovall
Y Stover
Y 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
Y Watson, S
Y Welch
Y Weldon
N 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 105, nays 64.

The motion prevailed.

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

Mr. Speaker:

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

HB 749. By Representatives Duncan of the 26th, Tanner of the 9th, Martin of the 49th, Golick of the 40th, Pak of the 108th and others:

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 cargo theft; to provide for a definition; to provide for penalties; to provide for the crime of unlawful possession or use of a fifth wheel; to amend Code Section 35-3-4 of the Official Code of Georgia Annotated, relating to powers and duties of the Georgia Bureau of Investigation generally, so as to provide the GBI with jurisdiction with regard to cargo theft; to provide for related matters; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

HB 947. By Representatives Clark of the 98th, Hamilton of the 24th, Golick of the 40th, Barr of the 103rd, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to master and servant, so as to provide for the payment of wages by credit to a prepaid debit card; to require employers to offer employees certain choices relating to the payment of wages; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 697. By Representatives Evans of the 42nd, Ehrhart of the 36th, Abrams of the 89th, Riley of the 50th, Nimmer of the 178th and others:

A BILL to be entitled an Act to amend Code Section 20-3-519.5 of the Official Code of Georgia Annotated, relating to eligibility requirements for HOPE grants, so as to revise the amount of HOPE grants; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, so as to revise the powers and duties of the Georgia Student Finance Commission; to revise the functions and composition of the board of directors of the Georgia Higher Education Assistance Corporation; to revise the composition of the board of directors of the Georgia Student Finance Authority; to revise the powers and duties of the Georgia Student Finance Authority; to change the distribution of funds contributed by taxpayers to student loan funds; to establish nonprofit corporations for the distribution of such funds; to provide for Zell Miller Grant Scholars; to provide for eligibility criteria to be a Zell Miller Grant Scholar; to revise terminology relating to Zell Miller Scholarship Scholars; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, is amended by revising subparagraph (H) of paragraph (7) of Code Section 20-3-236, relating to the powers and duties of the Georgia Student Finance Commission, board of commissioners, and officers, to read as follows:

"(H) To solicit, receive, and accept funds from any source, public or private, by gift, grant, bequest, or otherwise, either absolutely or in trust, and to hold, use, invest, administer, and expend such funds on behalf of the commission and for any of its purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal, or mixed, either absolutely or in trust, and to hold, use, administer, and dispose of such property on behalf of the commission and for any of its purposes; and"

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 20-3-264, relating to functions and composition of the board of directors of the Georgia Higher Education Assistance Corporation, to read as follows:

"(a) **Functions and composition.** The corporation shall be governed and all of its corporate powers, duties, and functions shall be exercised by a board of directors. The board of directors shall be composed of ~~13 members, who shall be~~ the same persons who are serving ~~and who shall serve~~ as members of the board of commissioners of the commission pursuant to Code Section 20-3-234. The executive director of the corporation, or president, if designated by such title by the board of directors, shall be an ex officio member of the board of directors. The board of directors provided for by this subsection shall be the successor to and a continuation of, without interruption, the board of directors of the previously existing Georgia Higher Education Assistance Corporation. No director shall be eligible to become an officer or employee of the corporation for a period of one year after expiration of the director's period of service as a director of the corporation."

SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 20-3-314, relating to functions, composition, organization, and conduct of affairs of the board of directors of the Georgia Student Finance Authority, to read as follows:

"(a) **Functions and composition.** The authority shall be governed and all of its corporate powers, duties, and functions shall be exercised by a board of directors. The board of directors shall be composed of ~~13 members, who shall be~~ the same persons who are serving ~~and who shall serve~~ as members of the board of commissioners of the commission pursuant to Code Section 20-3-234. The executive director of the authority, or president, if designated by such title by the board of directors, shall be an ex officio member of the board of directors. The board of directors provided for by this subsection shall be the successor to and a continuation of, without interruption, the board of directors of the previously existing Georgia Higher Education Assistance Authority. No director shall be eligible to become an officer or employee of the authority for a period of one year after expiration of the director's period of service as a director of the authority."

SECTION 4.

Said chapter is further amended by revising subparagraph (O) of paragraph (1) of Code Section 20-3-316, relating to powers and duties of the Georgia Student Finance Authority, to read as follows:

"(O) To solicit, receive, and accept funds from any source, public or private, by gift, grant, bequest, loan, or otherwise, either absolutely or in trust, and to hold, use, administer, and expend such funds on its behalf and for any of its corporate purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal, or mixed, either absolutely or in trust, and to hold, use, administer, and dispose of such property on its behalf and for any of its corporate purposes;"

SECTION 5.

Said chapter is further amended by substituting a semicolon for "; and" at the end of division (1)(W)(iv), by substituting "; and" for the semicolon at the end of subparagraph (X) of paragraph (1), and by adding a new subparagraph to paragraph (1) of Code Section 20-3-316, relating to powers and duties of the Georgia Student Finance Authority, as follows:

"(Y) To incorporate one or more nonprofit corporations to aid the authority in carrying out any of its powers, duties, and functions. Any such nonprofit corporation created pursuant to this subparagraph shall be a body corporate and politic and shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of State shall be authorized to accept such filing. Upon dissolution of any such nonprofit corporation, any assets of such nonprofit corporation shall revert to the authority or to any successor to the authority, or failing such succession, to the State of Georgia. The authority shall not

be liable for the debts, obligations, or bonds of any such nonprofit corporation or for the actions or omissions to act of any such nonprofit corporation unless the authority so consents;"

SECTION 6.

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

"20-3-316.1.

(a) Each Georgia income tax return form for taxable years beginning on or after January 1, 2015, shall contain appropriate language, to be determined by the state revenue commissioner, offering the taxpayer the opportunity to contribute to the nonprofit corporations established by subparagraph (Y) of paragraph (1) of Code Section 20-3-316 to assist students with educational expenses by either donating all or any part of any tax refund due and by authorizing a reduction in the refund check otherwise payable, or by contributing any amount over and above any amount of tax owed by adding that amount to the taxpayer's payment. The instructions accompanying the income tax return shall include a description of the purposes for which the nonprofit corporations were established and the intended use of moneys received from the contributions. Each taxpayer required to file a state income tax return who desires to contribute to these nonprofit corporations may designate such contribution as provided on the appropriate income tax return form.

(b) The Department of Revenue shall determine annually the total amount so contributed, and shall transmit such amount to the authority for even division among and deposit in the nonprofit corporations established by subparagraph (Y) of paragraph (1) of Code Section 20-3-316."

SECTION 7.

Said chapter is further amended by repealing Code Section 20-3-409, relating to a taxpayer opportunity to contribute to student loan funds.

SECTION 8.

Said chapter is further amended in Code Section 20-3-519, relating to definitions, by adding a new paragraph and revising paragraph (27) as follows:

"(26.1) 'Zell Miller Grant Scholar' means a student that has met the applicable eligibility requirements to receive a HOPE grant in accordance with Code Section 20-3-519.5 and earned a cumulative grade point average of at least 3.5 at the end of any quarter or semester in which the student has attended courses toward a diploma or certificate.

(27) 'Zell Miller Scholarship Scholar' means a student that has met the applicable eligibility requirements to receive a HOPE scholarship in accordance with Code Section 20-3-519.2 and:

(A) As an incoming freshman:

(i) Having graduated from an eligible high school with a grade point average of at least 3.7 calculated in accordance with Code Section 20-2-157 and having

received a score of at least 1,200 combined critical reading score and math score on a single administration of the SAT or an ACT composite scale score of at least 26;

(ii) Having graduated from an eligible high school as a valedictorian or salutatorian; or

(iii) Having completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received a score of at least 1,200 combined critical reading score and math score on a single administration of the SAT or an ACT composite scale score of at least 26, and earning a cumulative grade point average of at least 3.3 at an eligible postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive scholarship for such student's freshman year to be paid at the end of the freshman year; and

(B) As a sophomore, junior, senior, or first professional student who met the requirements of subparagraph (A) of this paragraph, having a cumulative grade point average of at least 3.3 at the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2. Notwithstanding the foregoing, a student that entered an eligible postsecondary institution as a freshman between July 1, 2007, and June 30, 2011, and met the requirements of subparagraph (A) of this paragraph may become a Zell Miller Scholarship Scholar as a sophomore, junior, senior, or first professional student.

A student that loses eligibility to be a Zell Miller Scholarship Scholar for any reason may regain eligibility one time if the student requalifies at one of the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2."

SECTION 9.

Said chapter is further amended in Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship, by revising subsection (f) as follows:

"(f) For each semester of eligibility, Zell Miller Scholarship Scholars shall be awarded an amount in addition to the HOPE award amount as follows:

(1) If attending an eligible public institution, an amount equal to the difference between the HOPE award amount and the then current academic year standard undergraduate tuition amount at the institution to be paid; and

(2) If attending an eligible private institution, an amount equal to the difference between the HOPE award amount and the HOPE tuition payment."

SECTION 10.

Said chapter is further amended in Code Section 20-3-519.5, relating to eligibility requirements for a HOPE grant, by adding a new subsection to read as follows:

"(d.1) For each semester or quarter following a semester or quarter that it is determined that a student is a Zell Miller Grant Scholar, a student shall be awarded an amount in addition to the HOPE award amount equal to the difference between the

HOPE award amount and the then current academic year standard undergraduate tuition amount at the institution to be paid or the exceptional tuition rate amount in effect on January 1, 2014, for programs with exceptional tuition rates in effect on January 1, 2014. Eligibility to be a Zell Miller Grant Scholar shall be determined on a semester or quarter basis and paid for the next semester or quarter in which a student is enrolled. Notwithstanding the foregoing, a Zell Miller Grant Scholar shall also receive one semester or quarter of retroactive payment if the student was not eligible to be a Zell Miller Grant Scholar because he or she had no cumulative grade point average."

SECTION 11.

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

Representative Evans of the 42nd moved that the House agree to the Senate substitute to HB 697.

On the motion, 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	Morris	Y Spencer
E 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	E 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	Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	E 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	E 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 motion, the ayes were 169, nays 2.

The motion prevailed.

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 Senate substitute was read:

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 fees of the tag agent; to provide for the promulgation of a standardized form; 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 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 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;

(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; 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;

~~(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.

(2) 'Immediate family member' means spouse, parent, child, sibling, grandparent, or grandchild.

(3) 'Loaner vehicle' means a motor vehicle owned or leased 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. 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 a reduction for the trade-in value of such trade-in vehicle in determining the fair market value of the vehicle being purchased.

(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. <u>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.</u> 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, less an amount to be retained by the tag agent not to exceed 1 percent of the total amount otherwise required to be distributed 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.

(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.

(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 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 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 4.

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 5.

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 6.

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

Representative O`Neal of the 146th moved that the House agree to the Senate substitute to HB 729.

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

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	Y Mitchell	Y Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Y Smith, R
Y Ballinger	N Dickerson	Y Hatchett	Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Morris	N Spencer
E Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Y Stephens, R
N Bell	N Douglas	Y Hitchens	Y Nix	Stephenson
N Bennett	Y Drenner	Y Holcomb	N Oliver	Y Stovall
N Bentley	E 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
Y Black	Y Duncan	N Howard	Y Parsons	Y Tankersley
Y Braddock	N Dutton	N Hugley	Y Peake	Y Tanner

Y Broadrick	Y Efstration	Jackson	Y Pezold	N Tarvin
Y Brockway	Y Ehrhart	Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
N Bruce	N Epps, C	Jones, J	Y Prince	E Teasley
Y Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
Y Buckner	N Evans	N Jones, S	N Quick	N Turner
Y Burns	Y Fleming	Y Jordan	Y Ramsey	N Waites
Y Caldwell, J	N Floyd	Y Kaiser	N Randall	Y Watson, B
N Caldwell, M	Y Fludd	Y Kelley	E 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	N Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E Rutledge	Y Willard
N Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	N Scott	Y Williams, C
Clark, J	Y Golick	Y Marin	Y Setzler	Y Williams, E
Y Clark, V	Y Gordon	N Martin	N Sharper	Y Williamson
Y Coleman	N Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 128, nays 38.

The motion prevailed.

HB 877. By Representatives Roberts of the 155th, Sims of the 123rd, Harbin of the 122nd, Prince of the 127th and Smith of the 70th:

A BILL to be entitled an Act to amend Title 40 of the O.C.G.A., relating to motor vehicles, so as to provide local authorities with the ability to regulate the use of personal transportation vehicles upon roadways and designated paths and lanes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide local authorities with the ability to regulate the use of personal transportation vehicles upon roadways and designated paths and lanes; to revise, delete, and add definitions; to exempt certain motor vehicles from registration and licensing, certificate of title, part identification, and inspection requirements; to provide for vehicle identification requirements for personal transportation vehicles; to exempt operators of certain motor vehicles from obtaining a driver's license; to limit liability of local authorities with regard to certain motor vehicles; to provide for the use of certain signage

for crossings involving certain motor vehicles; to provide a legislative intent; to provide for authority and standards for local authorities to establish personal transportation vehicle transportation plans; to provide for the acquisition of property by local authorities for personal transportation vehicle lanes or paths; to provide for the types of streets which may be designated for use by personal transportation vehicles; to provide for the manner in which personal transportation vehicles may be driven; 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 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended in Code Section 40-1-1, relating to definitions relative to motor vehicles, by revising paragraphs (3), (26), (41), and (43.1), by deleting paragraph (32) and designating it as reserved, and by adding new paragraphs (17.1), (33.1), (43.2), and (56.1) to read as follows:

"(3) 'All-terrain vehicle' means any motorized vehicle designed for off-road use which is equipped with ~~three or more nonhighway~~ four low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering ~~and which is 50 inches or less in width~~."

"(17.1) 'Golf car' or 'golf cart' means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5% grade (0.3 degrees) comprising a straight course composed of a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface."

"(26) 'Manufacturer' means a person engaged in the manufacture of vehicles and who has an established place of business in this state. Pertaining to PTVs only, the term 'manufacturer' also means any person engaged in the manufacture of vehicles who does business in this state, including but not limited to any person who makes modifications to a vehicle that are not approved by the original equipment manufacturer and which may adversely affect the safe operation and performance of the vehicle."

"(32) ~~'Motorized cart' means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour.~~ Reserved."

"(33.1) 'Multipurpose off-highway vehicle' means any motorized vehicle having features specifically intended for utility use and having the following characteristics:

(A) Has the capability to transport persons or cargo or both;

(B) Operates between 25 miles per hour (40.2 kilometers per hour) and 50 miles per hour (80.4 kilometers per hour);

(C) Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of accessories or attachments;
(D) Is designed to travel on four or more wheels;
(E) Uses a steering wheel for steering control;
(F) Contains a nonstraddle seat;
(G) Has a gross vehicle weight rating of less than 4,000 pounds (1,814 kilograms); and
(H) Has a minimum cargo capacity of 350 pounds (159 kilograms)."

"(41) 'Passenger car' means every motor vehicle, except all-terrain vehicles, motorcycles, motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons."

"(43.1) 'Personal transportation vehicle' or 'PTV' means:
(A) Any motor vehicle having no fewer than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such vehicle was authorized to operate on local roads by a local authority prior to January 1, 2012. Such vehicles may also be referred to as 'motorized carts' in such local ordinances; and
(B) ~~any~~ Any motor vehicle:
~~(A)~~(i) With a minimum of four wheels;
~~(B)~~(ii) Capable of a maximum level ground speed of less than 20 miles per hour;
~~(C)~~(iii) With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and
~~(D)~~(iv) Capable of transporting not more than eight persons.

The term does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability. The term also does not include any all-terrain vehicle or multipurpose off-highway vehicle.

(43.2) 'Personal transportation vehicle path' or 'PTV path' means a right of way under the jurisdiction and control of this state or a local political subdivision thereof designated for use by personal transportation vehicle drivers."

"(56.1) 'Shared use path' means a pathway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way and used by bicycles, pedestrians, manual and motorized wheelchairs, and other authorized motorized and nonmotorized users."

SECTION 2.

Said title is further amended by revising subsection (b) of Code Section 40-2-20, relating to exceptions to the registration and licensing requirements for motor vehicles, to read as follows:

"(b) Subsection (a) of this Code section shall not apply:

(1) To any motor vehicle or trailer owned by the state or any municipality or other political subdivision of this state and used exclusively for governmental functions except to the extent provided by Code Section 40-2-37;
(2) To any tractor or three-wheeled motorcycle used only for agricultural purposes;
(2.1) To any vehicle or equipment used for transporting cargo or containers between and within wharves, storage areas, or terminals within the facilities of any port under the jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being operated upon any public road not part of The Dwight D. Eisenhower System of Interstate and Defense Highways by the owner thereof or his or her agent within a radius of ten miles of the port facility of origin and accompanied by an escort vehicle equipped with one or more operating amber flashing lights that are visible from a distance of 500 feet;
(3) To any trailer which has no springs and which is being employed in hauling unprocessed farm products to their first market destination;
(4) To any trailer which has no springs, which is pulled from a tongue, and which is used primarily to transport fertilizer to a farm;
(5) To any ~~motorized cart~~ electric powered personal transportation vehicle; ~~or~~
(6) To any moped; or
(7) To any golf car."

SECTION 3.

Said title is further amended by revising Code Section 40-3-4, relating to exclusions for the certificate of title requirement for motor vehicles, to read as follows:

"40-3-4.

No certificate of title shall be obtained for:
(1) A vehicle owned by the United States unless it is registered in this state;
(2) A vehicle owned by a manufacturer of or dealer in vehicles and held for sale, even though incidentally used on the highway or used for purpose of testing or demonstration; a vehicle owned by a dealer in vehicles but used by any Georgia public or private school for driver education purposes; or a vehicle used by a manufacturer solely for testing; except that all dealers acquiring new vehicles after July 1, 1962, from a manufacturer for resale shall obtain such evidence of origin of title from the manufacturer as the commissioner shall by rule and regulation prescribe;
(3) A vehicle owned by a nonresident of this state and not required by law to be registered in this state;
(4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
(5) A vehicle moved solely by human or animal power;
(6) An implement of husbandry;
(7) Special mobile equipment;
(8) A self-propelled wheelchair or invalid tricycle;
(9) A pole trailer;

(10) Motor buses used for the transportation of persons by a street railroad or other company engaged in the operation of an urban transit system over fixed routes;

(11) A boat trailer;

(12) A homemade trailer;

(13) A device used exclusively upon stationary rails or tracks or which obtains motive power from fixed overhead electric wires;

(14)(A) A vehicle, other than a mobile home or crane, the model year of which is prior to 1986.

(B) The owner of any vehicle which has a valid certificate of title and which becomes subject to the exclusion provided in subparagraph (A) of this paragraph may retain the certificate of title. Each subsequent transferee of any vehicle covered by subparagraph (A) of this paragraph, for which the certificate of title has been retained, may obtain a certificate of title by complying with Code Section 40-3-32. However, the failure of any subsequent transferee to comply with Code Section 40-3-32 shall preclude transferees subsequent to that transferee from obtaining a certificate of title. The department shall maintain such records as may be necessary to allow owners to obtain a certificate of title under this subparagraph. No certificate of title authorized to be issued under this subparagraph shall be issued under Code Section 40-3-28.

(C)(i) A security interest in or lien against a vehicle which is subject to the exclusion provided for in subparagraph (A) of this paragraph and which arises after such vehicle becomes subject to the operation of subparagraph (A) of this paragraph may be perfected in the same manner as such security interests and liens are perfected on vehicles required by this chapter to have certificates of title.

(ii) The transferee of any vehicle which is subject to the exclusion provided for in subparagraph (A) of this paragraph, regardless of whether that vehicle has a certificate of title issued pursuant to subparagraph (B) of this paragraph, shall take such vehicle subject to any security interest or lien perfected under this paragraph;

(15)(A) Except as provided in subparagraph (B) of this paragraph, a trailer with an unladen gross weight of 2,000 pounds or less.

(B) The exclusion provided in subparagraph (A) of this paragraph shall not apply to a travel trailer or camper, regardless of its unladen gross weight;

(16) A vehicle which is not sold for the purpose of lawful highway use;

(17) A vehicle with a model year prior to 1963; ~~or~~

(18) A moped; or

(19) A personal transportation vehicle."

SECTION 4.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 40-3-30.1, relating to inspections and definitions relative to certificates of title, to read as follows:

"(2) 'Unconventional motor vehicle or motorcycle' means any motor vehicle or motorcycle that is manufactured, including, but not limited to, all-terrain vehicles, off-

road vehicles, ~~motorized carts,~~ motor driven cycles, ~~and~~ mopeds, and personal transportation vehicles, and that is not in compliance with the following:

(A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;

(B) Applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs ~~Service~~ and Border Protection Agency or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards; or

(C) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, the 'Clean Air Act,' as amended."

SECTION 5.

Said title is further amended by revising subsection (b) of Code Section 40-4-2, relating to the applicability of the article requiring identification of passenger cars, truck chassis, and components, to read as follows:

"(b) This article shall not apply to motorcycles, personal transportation vehicles, motor driven cycles, school buses, farm tractors, buses, truck tractors, road tractors, trucks, trailers, semitrailers, pole trailers, streetcars, or go-carts or to any vehicle whether self-propelled or not which is not required to be issued a license plate under the laws of this state."

SECTION 6.

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

"40-4-5.1.

(a) On or after July 1, 2014, on every newly manufactured personal transportation vehicle, the manufacturer shall inscribe a permanent, durable, corrosion-resistant name plate or marking which contains a unique serial number, name of manufacturer, model name or code, date code, contact information, nominal system voltage, fuel type, and load capacity.

(b) The name plate or marking shall be of a height and width easily readable by the naked eye. The unique serial number may consist of letters, digits, or any combination of letters and digits.

(c) The name plate shall be easily accessible for inspection."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 40-5-20, relating to activity requiring a driver's license, to read as follows:

"(a) No person, except those expressly exempted in this chapter or in Chapter 6 of this title, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license under this chapter for the type or class of vehicle being driven. Any person who is a resident of this state for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state. Any violation of this subsection shall be punished as provided in Code Section 40-5-121, except the violation of driving

with an expired license, or a violation of Code Section 40-5-29 or if such person produces in court a valid driver's license issued by this state to such person, he or she shall not be guilty of such offenses. Any court having jurisdiction over traffic offenses in this state shall report to the department the name and other identifying information of any individual convicted of driving without a license."

SECTION 8.

Said title is further amended by revising paragraph (12) of subsection (a) of Code Section 40-5-21, relating to exemptions to the driver's license requirement, to read as follows:

"(12) Any person while operating a ~~motorized cart~~ personal transportation vehicle:

(A) On any way publicly maintained for the use of ~~motorized carts~~ personal transportation vehicles by the public and no other types of motor vehicles in accordance with a local ordinance adopted pursuant to ~~subsection (a) of Code Section 40-6-331~~ Part 3 or 6 of Article 13 of Chapter 6 of this title; or

(B) When crossing a street or highway used by other types of motor vehicles at a location designated for such crossing pursuant to subsection (d) of Code Section 40-6-331 or pursuant to a PTV plan authorized by a local authority as described in Part 6 of Article 13 of Chapter 6 of this title."

SECTION 9.

Said title is further amended by revising Code Section 40-6-51, relating to restrictions on the use of controlled-access roadways, to read as follows:

"40-6-51.

(a) The Department of Transportation by order and local authorities by ordinance may regulate or prohibit the use of any controlled-access roadway within their respective jurisdictions by any class of vehicle or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The Department of Transportation or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable, and when such devices are in place no person shall disobey the restrictions stated thereon.

(c) For purposes of this Code section, roadways within the jurisdiction of the Department of Transportation and roadways within the jurisdiction of local authorities shall be as set forth in Code Section 32-4-1."

SECTION 10.

Said title is further amended by revising Part 3 of Article 13 of Chapter 6, relating to motorized carts, to read as follows:

"Part 3

~~Motorized Carts~~

Personal Transportation Vehicles

40-6-330.
Any local authority desiring to establish operating standards for personal transportation vehicles shall comply with Part 6 of this article.

40-6-330.1.
~~Motorized carts may be operated on streets only during daylight hours unless they comply with the equipment regulations promulgated by the commissioner of public safety.~~
(a) All personal transportation vehicles shall be equipped with:
(1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;
(2) A reverse warning device functional at all times when the directional control is in the reverse position;
(3) A main power switch. When the switch is in the 'off' position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the 'off' position;
(4) Head lamps;
(5) Reflex reflectors;
(6) Tail lamps;
(7) A horn;
(8) A rearview mirror;
(9) Safety warning labels; and
(10) Hip restraints and hand holds or a combination thereof.
(b) The requirements of subsection (a) of this Code section shall not apply to any personal transportation vehicles operated during daylight hours authorized by local ordinances enacted prior to January 1, 2012.

40-6-331.
(a) A local ~~governing~~ authority may, by ordinance, designate certain public streets or portions thereof or PTV paths that are under its regulation and control for the combined use of ~~motorized carts~~ PTVs and regular vehicular traffic or the use of ~~motorized carts~~ PTVs and no other types of motor vehicles and establish the conditions under which ~~motorized carts~~ PTVs may be operated upon such streets or portions thereof or PTV paths, including without limitation the conditions under which a person may operate ~~motorized carts~~ PTVs on such designated streets or portions thereof or PTV paths ~~without a driver's license~~. All operators of PTVs shall be required to possess a valid driver's license except when operating a PTV within a locality whose local authority has enacted an ordinance permitting the use of PTVs or motorized carts on streets without possession of a driver's license prior to January 1, 2012.
(b) ~~Such~~ Local authority ordinances may establish operating standards but shall not require ~~motorized carts~~ PTVs to meet any requirements of general law as to registration, inspection, certificate of title, or licensing; provided, however, that a local ~~governing~~ authority may, by ordinance, require the local registration and licensing of

~~such carts~~ PTVs operated within its boundaries at least once every five years for a fee not to exceed $15.00~~, the license to remain permanently with such cart unless such cart is sold or the license is destroyed~~. No local authority shall be liable for losses that result from exercising or not exercising inspection powers or functions, including failure to make an inspection or making an inadequate or negligent inspection of a PTV. The provisions of this subsection and the authority granted by this subsection shall not apply to ~~motorized carts~~ PTVs owned by golf courses, country clubs, or other such organized entities which own such ~~carts~~ PTVs and make them available to or for use by members or the public on a rental or licensed basis, provided that such ~~motorized carts~~ PTVs are used only on the premises of such golf courses, country clubs, or other such organized entities.

(c) Each local ~~governing~~ authority permitting the use of ~~motorized carts~~ PTVs upon the public streets within its jurisdiction shall erect signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the corporate limits of the municipality or boundaries of the county. Such signs shall be at least 24 by 30 inches in area and shall warn approaching motorists that ~~motorized carts~~ PTVs are authorized for use on public streets. All costs associated with such signs shall be funded entirely by the local ~~governing~~ authority. Ordinances establishing operating standards for ~~motorized carts~~ PTVs shall not be effective unless appropriate signs giving notice are posted as required by this subsection.

(d)(1) ~~Motorized carts~~ In jurisdictions where PTVs are permitted or otherwise allowed by state law, PTVs may cross streets and highways that are part of the state highway system only at crossings or intersections designated for that purpose ~~by the Department of Transportation~~ and which are constructed as an active grade crossing in accordance with the Manual on Uniform Traffic Control Devices. PTV crossings shall be indicated by warning sign W11-11 of the Standard Highway Signs and be clearly visible in both directions by vehicles traversing the highway which is being crossed or intersected by PTVs.

(2) ~~Motorized carts~~ PTVs may cross streets and highways that are part of a municipal street system or county road system and used by other types of motor vehicles only at crossings or intersections designated for that purpose by the local ~~governing~~ authority having jurisdiction over such system."

SECTION 11.

Said title is further amended by revising Part 6 of Article 13 of Chapter 6, relating to personal transportation vehicles, to read as follows:

"Part 6
Personal Transportation ~~Vehicles~~ Vehicle Transportation Plan

40-6-363.

The purpose of this part shall be to authorize any local authority to establish a personal transportation vehicle transportation plan for roadways and streets within the local

authority's jurisdiction. It is the intent of the General Assembly that these plans be designed and developed to best serve the functional travel needs of the jurisdiction and to have the physical safety of the personal transportation vehicle occupants and their property as a major planning component. No local authority shall be liable for losses resulting from exercising or not exercising its authority to adopt a personal transportation vehicle transportation plan, failing to adopt such plan, making an inadequate plan, or negligently adopting such plan.

40-6-364.
As used in this part, the term:
(1) 'Personal transportation vehicle lane' or 'PTV lane' means a portion of the roadway that has been designated by striping, pavement markings, or signage for the exclusive or preferential use of persons operating personal transportation vehicles. Such PTV lanes shall at a minimum meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth in the American Association of State Highway and Transportation Officials Safety Manual.
(2) 'Personal transportation vehicle transportation plan' or 'PTV plan' means a detailed guide for the operation of personal transportation vehicles upon local streets and road segments passed by a local authority through ordinance or resolution.
(3) 'Plan area' means the territory designated by a local authority in a personal transportation vehicle transportation plan that provides for use of personal transportation vehicles and may include privately owned land upon the consent of the landowner.

40-6-365.
(a) A local authority may, by ordinance or resolution, adopt a PTV plan.
(b) Prior to the enactment of a PTV plan, a local authority shall submit the plan to any agency having traffic law enforcement responsibilities in the plan area and allow for input and comment upon the PTV plan.
(c) A PTV plan shall:
(1) Establish minimum general design criteria for the development, planning, and construction of separated PTV lanes, including, but not limited to, the design speed of the facility, the space requirements of the personal transportation vehicle, and roadway design criteria. This paragraph shall not apply if a local authority's governing body and the law enforcement agency with primary traffic jurisdiction over the street in question concludes that the street or roadway segment is suitable to safely accommodate both regular vehicular traffic and personal transportation vehicles but shall be governed by the requirements listed in Code Section 40-6-368;
(2) Establish uniform specifications and symbols for signs, markers, and traffic control devices consistent with the most current version of the Manual on Uniform Traffic Control Devices to control personal transportation vehicle traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right of way between personal transportation vehicles, other motor vehicles, and bicycles; to state the nature

and destination of the PTV lane; and to warn pedestrians, bicyclists, and motorists of the presence of personal transportation vehicle traffic;

(3) Include a permitting process for personal transportation vehicles operating within the plan area. Such permitting process may include, but is not limited to, requirements regarding permit posting, permit renewal, operator education, and liability insurance. Local authorities may require a personal transportation vehicle to be permitted at least once every five years for a fee not to exceed $15.00;

(4) Establish minimum safety criteria for personal transportation vehicle operators, including, but not limited to, requirements relating to personal transportation vehicle maintenance and personal transportation vehicle safety. Unless otherwise allowed by law under local ordinance established prior to January 1, 2012, as authorized by Part 3 of this article, operators shall be required to possess a valid driver's license and comply with the financial responsibility requirements for passenger vehicle operators;

(5) Establish restrictions limiting the operation of personal transportation vehicles to PTV lanes, paths, or other approved streets or road segments in the plan area; and

(6) Provide that any person operating a personal transportation vehicle in the plan area in violation of the PTV plan is guilty of an infraction punishable by a fine as established by law.

(d) A PTV plan may include, but is not limited to, the following elements:

(1) Route selection, which includes a finding that the route will accommodate personal transportation vehicles without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users;

(2) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation;

(3) Community involvement in planning;

(4) Flexibility and coordination with long-range transportation planning;

(5) Provision for personal transportation vehicle related facilities including, but not limited to, special access points, charging stations, and personal transportation vehicle crossings;

(6) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations; and

(7) Provisions for special paving, road markings, signage and striping for PTV lanes, road crossings, parking, and circulation.

(e) A PTV plan shall not include the use of any state highway, or any portion thereof, or the operation of personal transportation vehicles except that a crossing of, or a PTV lane along, a state highway may be included in the plan if consistent with accepted guidelines, recommendations, and criteria with respect to planning, design, signage, operation, and maintenance of shared use paths or PTV lanes as set forth in the Manual on Uniform Traffic Control Devices and the American Association of State Highway and Transportation Officials Safety Manual.

40-6-366.
A local authority that adopts a PTV plan may establish PTV lanes through the acquisition of property, including easements or rights of way, by dedication, purchase, or condemnation.

40-6-367.
~~(a)~~ This part shall have no application to any county or municipality that has enacted prior to January 1, 2012, an ordinance authorizing the operation of ~~motorized carts~~ PTVs ~~pursuant to Code Section 40-6-331~~.
~~(b) In addition to the requirements contained in paragraph (43.1) of Code Section 40-1-1, all personal transportation vehicles shall have the following equipment:~~
~~(1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;~~
~~(2) A reverse warning device functional at all times when the directional control is in the reverse position;~~
~~(3) A main power switch. When the switch is in the 'off' position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the 'off' position;~~
~~(4) Head lamps;~~
~~(5) Reflex reflectors;~~
~~(6) Tail lamps;~~
~~(7) A horn;~~
~~(8) A rearview mirror;~~
~~(9) Safety warning labels; and~~
~~(10) Hip restraints and hand holds.~~

40-6-368.
Any street or highway segment upon which the joint use by regular vehicle traffic and personal transportation vehicles is permitted shall:
(1) Have speed limits of 25 miles per hour or less, as established by an engineering and traffic survey; and
(2) Have been determined by a qualified traffic engineer to accommodate personal transportation vehicles without adversely impacting traffic safety or the travel needs of commuters and other users.

40-6-369.
(a) All personal transportation vehicles authorized by a PTV plan to operate on a street, road segment, or PTV lane are entitled to full use of a lane, and no motor vehicle shall be driven in such manner as to deprive a personal transportation vehicle of the full use of a lane.
(b) The operator of a personal transportation vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a personal transportation vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Personal transportation vehicles shall not be operated two or more abreast in a single lane.

40-6-369.1.

Personal transportation vehicles shall only be operated on highways where the posted speed limit does not exceed 25 miles per hour. The operator of a personal transportation vehicle shall not operate such vehicle on any highway where the posted speed limit exceeds 25 miles per hour."

SECTION 12.

Said title is further amended by revising Code Section 40-6-371, relating to powers of local authorities relative to rules of the road, to read as follows:

"40-6-371.

(a) This chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) Regulating or prohibiting stopping, standing, or parking;

(2) Regulating traffic by means of police officers or official traffic-control devices;

(3) Regulating or prohibiting processions or assemblages on the highways;

(4) Designating particular highways or roadways for use by traffic moving in one direction as authorized in Code Section 40-6-47;

(5) Establishing speed limits for vehicles in public parks, notwithstanding any provisions of law establishing a minimum speed limit for an area outside an urban or residential district;

(6) Designating any highway as a through highway or designating any intersection or junction of roadway as a stop or yield intersection or junction;

(7) Requiring the registration and inspection of bicycles, including the requirement of a registration fee;

(8) Designating any highway intersection as a 'yield right of way' intersection and requiring vehicles facing a 'yield right of way' sign to yield the right of way to other vehicles;

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;

(10) Altering or establishing speed limits as authorized by law;

(11) Designating no-passing zones as authorized in Code Section 40-6-46;

(12) Prohibiting or regulating the use of controlled-access roadways by any class of vehicle or kind of traffic as authorized in Code Section 40-6-51;

(13) Prohibiting or regulating the use of heavily traveled streets by any class of vehicle or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(14) Establishing minimum speed limits as authorized by law;

(15) Designating hazardous railroad grade crossings as authorized in Code Section 40-6-141;

(16) Designating and regulating traffic on play streets;
(17) Regulating persons propelling push carts;
(18) Regulating persons upon skates, coasters, sleds, and other toy vehicles;
(18.1) Regulating the operation of electric personal assistive mobility devices, provided that such regulations are no less restrictive than those imposed by Part 2A of Article 13 of this chapter;
(18.2) Regulating the operation of personal transportation vehicles, provided that such regulations comply with Parts 3 and 6 of Article 13 of this chapter;
(19) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; or
(20) Adopting such other traffic regulations as are specifically authorized by this chapter.

(a.1) No fine imposed by a local authority for violation of an ordinance or regulation for conduct which constitutes a violation of a provision of this chapter shall exceed any maximum fine specified by this chapter for such violation.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation of the State of Georgia. If this issue is on trial in a civil or criminal action, the proper authority shall be presumed.

(c) No ordinance or regulation enacted under paragraph (4), (5), (6), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), ~~or~~ (18), or (18.2) of subsection (a) of this Code section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or the part thereof affected as may be most appropriate."

SECTION 13.

Said title is further amended by revising Code Section 40-8-1, relating to the applicability of the article relative to equipment and inspection of motor vehicles, to read as follows:

"40-8-1.

(a) This article shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, or three-wheeled motorcycles used only for agricultural purposes, except when expressly made applicable. This article shall not apply to ~~motorized carts~~ personal transportation vehicles.

(b) Nothing in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle, which use is not inconsistent with the provisions of this article."

SECTION 14.

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

Representative Roberts of the 155th moved that the House agree to the Senate substitute to HB 877.

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

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	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
E Barr	Y Dickey	Y Hawkins	Morris	Y Spencer
E 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	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	E Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Y Pezold	Y Tarvin
Y Brockway	Y Ehrhart	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	E 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	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	E 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
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	Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 160, nays 2.

The motion prevailed.

The following Resolutions of the House were read and adopted:

HR 2049. By Representatives Clark of the 98th, Casas of the 107th, Barr of the 103rd, Williamson of the 115th, Brockway of the 102nd and others:

A RESOLUTION recognizing Joshua Stephen Clark, Jr.; and for other purposes.

HR 2050. By Representatives Clark of the 98th, Casas of the 107th, Barr of the 103rd, Williamson of the 115th, Brockway of the 102nd and others:

A RESOLUTION recognizing Brianna Joy Clark; and for other purposes.

HR 2051. By Representatives Clark of the 98th, Casas of the 107th, Barr of the 103rd, Williamson of the 115th, Brockway of the 102nd and others:

A RESOLUTION recognizing Levi Hunt Clark; and for other purposes.

HR 2052. By Representatives Clark of the 98th, Casas of the 107th, Barr of the 103rd, Williamson of the 115th, Brockway of the 102nd and others:

A RESOLUTION recognizing Moriah Faith Clark; and for other purposes.

HR 2053. By Representatives Clark of the 98th, Casas of the 107th, Barr of the 103rd, Williamson of the 115th, Brockway of the 102nd and others:

A RESOLUTION recognizing Elizabeth Ann Clark; and for other purposes.

HR 2054. By Representatives Wilkerson of the 38th, Evans of the 42nd, Bruce of the 61st, Jones of the 53rd, Golick of the 40th and others:

A RESOLUTION recognizing and commending Debbie Broadnax; and for other purposes.

HR 2055. By Representatives Beasley-Teague of the 65th, Dawkins-Haigler of the 91st, Anderson of the 92nd, Epps of the 132nd and Hugley of the 136th:

A RESOLUTION commending Apostle Sylvia J. Toney on the occasion of her 70th birthday; and for other purposes.

HR 2056. By Representatives Beasley-Teague of the 65th, Dawkins-Haigler of the 91st, Anderson of the 92nd, Epps of the 132nd and Hugley of the 136th:

A RESOLUTION recognizing and commending Yolanda Yvette Adams; and for other purposes.

Representative Meadows of the 5th District, Chairman of the Committee on Rules, submitted the following report:

Mr. Speaker:

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

HR 1771 Do Pass, by Substitute
SB 93 Do Pass, by Substitute

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

Representative Hatchett of the 150th moved that the following Bill of the Senate be taken from the table:

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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 motion prevailed.

The following Bill of the Senate, having previously been read, was again taken up for consideration:

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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.

An amendment by Representative Dempsey of the 13th was withdrawn.

An amendment by Representative Coomer of the 14th was withdrawn.

An amendment by Representative Peake of the 141st was withdrawn.

An amendment by Representative Harbin of the 122nd was withdrawn.

The following amendment was read:

Representative Hatchett of the 150th offers the following amendment:

Amend the Senate substitute to SB 391 by replacing line 1 to the end of such substitute with the following:

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 program; to provide for oversight; to amend Article 11 of Chapter 11 of Title 15, Chapter 15 of Title 19, and Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the "Georgia Child Advocate for the Protection of Children Act," child abuse, and general provisions for the Georgia Bureau of Investigation, respectively, so as to move the responsibility of coordinating and supervising the work of the Georgia Child Fatality Review Panel from the Child Advocate for the Protection of Children to the director of the Georgia Bureau of Investigation or his or her designee; to provide for a short title; to provide for the director of the Georgia Bureau of Investigation to assist local child fatality review committees; to clarify definitions; to provide for legislative findings; to amend Code Section 49-5-41 of the Official Code of Georgia Annotated, relating to persons and agencies permitted access to child abuse and dependency records, so as to clarify defined terms and change provisions relating to disclosure; to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to exclude certain medically prescribed cannabis as a Schedule I drug and include it as a dangerous drug, under certain circumstances; to provide for a short title; to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, so as to provide for a pilot program to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions; to provide a definition; to provide for eligibility; to provide for requirements; to provide for a review panel; to provide for an evaluation report on the pilot program; to provide for automatic repeal; to provide for a contingent effective date; 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 repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, is amended by adding a new Code section to read as follows:

"31-7-20.

(a) Each medical facility in this state shall, not later than July 1, 2015, make a good faith application to the southern regional TRICARE managed care support contractor for certification in the TRICARE program.

(b) If any medical facility fails to qualify for certification in the TRICARE program, such medical facility shall implement a plan to upgrade the facility, equipment, personnel, or such other cause for the disqualification within one year of notice of such deficiency.

(c) Each medical facility shall submit reports to the commissioner detailing its efforts to join the TRICARE program and shall submit copies of applications, acceptances or rejections, correspondences, and any other information the commissioner deems necessary.

(d) The commissioner shall maintain files on each medical facility in this state and shall monitor each medical facility's efforts to join the TRICARE program.

(e) Nothing in this Code section shall require a medical facility to enter into a contract with the southern regional managed care support contractor or to participate in TRICARE as a network provider or as a participating non-network provider, as such terms are defined in the federal TRICARE regulations."

PART II
SECTION 2-1.

This part shall be known and may be cited as the "Journey Ann Cowart Act."

SECTION 2-2.

Article 11 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the "Georgia Child Advocate for the Protection of Children Act," is amended by revising Code Section 15-11-743, relating to the duties of the Child Advocate for the Protection of Children, as follows:

"15-11-743.

The advocate shall perform the following duties:

(1) Identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of children concerning any act, omission to act, practice, policy, or procedure of an agency or any contractor or agent thereof that may adversely affect the health, safety, or welfare of the children;

(2) Refer complaints involving abused children to appropriate regulatory and law enforcement agencies;

(3) ~~Coordinate and supervise the work of the Georgia Child Fatality Review Panel created by Code Section 19-15-4 and provide such staffing and administrative support to the panel as may be necessary to enable the panel to carry out its statutory duties;~~

~~(4)~~ Report the death of any child to the chairperson of the ~~child fatality~~ review ~~subcommittee of~~ committee, as such term is defined in Code Section 19-15-1, for the county in which such child resided at the time of death, unless the advocate has knowledge that such death has been reported by the county medical examiner or coroner, pursuant to Code Section 19-15-3, and to provide such ~~subcommittee~~ committee access to any records of the advocate relating to such child;

~~(5)~~(4) Provide periodic reports on the work of the Office of the Child Advocate for the Protection of Children, including but not limited to an annual written report for the Governor and the General Assembly and other persons, agencies, and organizations deemed appropriate. Such reports shall include recommendations for changes in policies and procedures to improve the health, safety, and welfare of children and shall be made expeditiously in order to timely influence public policy;

~~(6)~~(5) Establish policies and procedures necessary for the Office of the Child Advocate for the Protection of Children to accomplish the purposes of this article, including without limitation providing DFCS with a form of notice of availability of the Office of the Child Advocate for the Protection of Children. Such notice shall be posted prominently, by DFCS, in DFCS offices and in facilities receiving public moneys for the care and placement of children and shall include information describing the Office of the Child Advocate for the Protection of Children and procedures for contacting ~~that~~ such office; and

~~(7)~~(6) Convene quarterly meetings with organizations, agencies, and individuals who work in the area of child protection to seek opportunities to collaborate and improve the status of children in Georgia."

SECTION 2-3.

Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is amended by revising paragraphs (5), (7), (8), and (10) of Code Section 19-15-1, relating to definitions, as follows:

"(5) ~~'Eligible deaths' means deaths meeting the criteria for review by a county child fatality review committee, including deaths resulting from Sudden Infant Death Syndrome, unintentional injuries, intentional injuries, medical conditions when unexpected or when unattended by a physician, or any manner that is suspicious or unusual~~ Reserved."

"(7) 'Panel' means the Georgia Child Fatality Review Panel established pursuant to Code Section 19-15-4. ~~The panel oversees the local child fatality review process and reports to the Governor on the incidence of child deaths with recommendations for prevention.~~

(8) 'Protocol committee' means a multidisciplinary, multiagency ~~child abuse protocol~~ committee established for a county pursuant to Code Section 19-15-2. ~~The protocol~~

~~committee is charged with developing local protocols to investigate and prosecute alleged cases of child abuse.~~"

"(10) 'Review committee' means a multidisciplinary, multiagency child fatality review committee established for a county or circuit pursuant to Code Section 19-15-3. ~~The review committee is charged with reviewing all eligible child deaths to determine manner and cause of death and if the death was preventable.~~"

SECTION 2-4.

Said chapter is further amended by revising Code Section 19-15-2, relating to child abuse protocol committees, as follows:

"19-15-2.

(a) Each county shall be required to establish a ~~child abuse~~ protocol for the investigation and prosecution of alleged cases of child abuse as provided in this Code section.

(b) The chief superior court judge of the circuit in which the county is located shall establish a ~~child abuse~~ protocol committee as provided in subsection (c) of this Code section and shall appoint an interim chairperson who shall preside over the first meeting, and the chief superior court judge shall appoint persons to fill any vacancies on the protocol committee. Thus established, the protocol committee shall thereafter elect a chairperson from its membership. The protocol committee shall be charged with developing local protocols for the investigation and prosecution of alleged cases of child abuse.

(c)(1) Each of the following individuals, agencies, ~~of the county~~ and entities shall designate a representative to serve on the protocol committee:

(A) The ~~office of the~~ sheriff;

(B) The county department of family and children services;

(C) The ~~office of the~~ district attorney for the judicial circuit;

(D) The juvenile court judge;

(E) The chief magistrate ~~court~~;

(F) The county board of education;

(G) The county mental health organization;

(H) The ~~office of the~~ chief of police of a county in counties which have a county police department;

(I) The ~~office of the~~ chief of police of the largest municipality in the county;

(J) The county ~~board of~~ public health department, which shall designate a physician to serve on the protocol committee; and

(K) The ~~office of the~~ coroner or county medical examiner.

(2) In addition to the representatives serving on the protocol committee as provided for in paragraph (1) of this subsection, the chief superior court judge shall designate a representative from a local citizen or advocacy group which focuses on child abuse awareness and prevention.

(3) If any designated agency fails to carry out its duties relating to participation on the protocol committee, the chief superior court judge of the circuit may issue an

order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.

(d) Each protocol committee shall elect or appoint a chairperson who shall be responsible for ensuring that written protocol procedures are followed by all agencies. Such ~~That~~ person can be independent of agencies listed in paragraph (1) of subsection (c) of this Code section. The ~~child abuse~~ protocol committee ~~thus established~~ may appoint such additional members as necessary and proper to accomplish the purposes of the protocol committee.

(e) The protocol committee shall adopt a written ~~child abuse~~ protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the ~~Georgia Child Fatality Review Panel~~ panel, a copy of which shall be furnished to each agency in the county handling the cases of abused children. The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child abuse and the methods to be used in coordinating treatment programs for the perpetrator, the family, and the child. The protocol shall also outline procedures to be used when child abuse occurs in a household where there is violence between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household. The protocol adopted shall not be inconsistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services.

(f) The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases, to minimize the stress created for the allegedly abused child by the legal and investigatory process, and to ensure that more effective treatment is provided for the perpetrator, the family, and the child, including counseling.

(g) Upon completion of the writing of the ~~child abuse~~ protocol, the protocol committee shall continue in existence and shall meet at least semiannually for the purpose of evaluating the effectiveness of the protocol and appropriately modifying and updating the same.

(h) Each protocol committee shall adopt or amend its written ~~child abuse~~ protocol ~~no later than July 1, 2001,~~ to specify the circumstances under which law enforcement officers ~~will~~ shall and ~~will~~ shall not be required to accompany ~~child abuse~~ investigators from the county department of family and children services when these investigators investigate reports of child abuse. In determining when law enforcement officers shall and shall not accompany ~~child abuse~~ investigators, the protocol committee shall consider the need to protect the alleged victim and the need to preserve the confidentiality of the report. Each protocol committee shall establish joint work efforts between the law enforcement and ~~child abuse~~ investigative agencies in child abuse investigations. The adoption or amendment of the protocol shall also describe measures which can be taken within the county to prevent child abuse and shall be filed with and furnished to the same entities with or to which an original protocol is required

to be filed or furnished. The protocol ~~will~~ shall be further amended to specify procedures to be adopted by the protocol committee to ensure that written protocol procedures are followed.

(i) The protocol committee shall issue a report no later than the first day of July ~~in 2001 and no later than the first day of July~~ each year ~~thereafter~~. Such ~~That~~ report shall evaluate the extent to which ~~child abuse~~ investigations of child abuse during the 12 months prior to the report have complied with the ~~child abuse~~ protocols of the protocol committee, recommend measures to improve compliance, and describe which measures taken within the county to prevent child abuse have been successful. The report shall be transmitted to the county governing authority, the fall term grand jury of the judicial circuit, the ~~Georgia Child Fatality Review Panel~~ panel, and the chief superior court judge.

(j) Each member ~~By July 1, 2001, members~~ of each protocol committee shall receive appropriate training~~. As new members are appointed, they will also receive training~~ within 12 months after ~~their~~ his or her appointment. The Office of the Child Advocate for the Protection of Children shall provide such training.

(k) The protocol committee shall adopt a written sexual abuse and sexual exploitation protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the Office of the Child Advocate for the Protection of Children, a copy of which shall be furnished to each agency in the county handling the cases of sexually abused or exploited children. The sexual abuse and sexual exploitation protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged ~~child~~ sexual abuse and sexual exploitation and the procedures to be followed concerning the obtainment of and payment for sexual assault examinations. Each protocol committee shall adopt or amend its written sexual abuse and sexual exploitation protocol ~~no later than December 31, 2004. The protocol may incorporate existing sexual abuse and exploitation protocols used within the county~~. The sexual abuse and sexual exploitation protocol adopted shall be consistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services. ~~A failure by an agency to follow the protocol shall not constitute an affirmative or other defense to prosecution of a sexual abuse or exploitation offense, nor shall a failure by an agency to follow the protocol give rise to a civil cause of action.~~ A sexual abuse and sexual exploitation protocol is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Such protocol shall not limit or otherwise restrict a prosecuting attorney in the exercise of his or her discretion nor in the exercise of any otherwise lawful litigative prerogatives."

SECTION 2-5.

Said chapter is further amended by revising subsections (a), (d), (e), (g) through (k), and (o) and paragraph (8) of subsection (1) of Code Section 19-15-3, relating to county multiagency child fatality review committees, as follows:

"(a)(1) Each county shall establish a local ~~multidisciplinary, multiagency child fatality~~ review committee as provided in this Code section. The review committee shall be charged with reviewing all deaths as set forth in subsection (e) of this Code section to determine manner and cause of death and if the death was preventable. The chief superior court judge of the circuit in which the county is located shall establish a ~~child fatality~~ review committee composed of, but not limited to, the following members:

(A) The county medical examiner or coroner;
(B) The district attorney or his or her designee;
(C) A county department of family and children services representative;
(D) A local law enforcement representative;
(E) The sheriff or county police chief or his or her designee;
(F) A juvenile court representative;
(G) A county ~~board of~~ public health department representative; and
(H) A county mental health representative.

(2) The district attorney or his or her designee shall serve as the chairperson to preside over all meetings."

"(d) If any designated agency fails to carry out its duties relating to participation on the ~~local~~ review committee, the chief superior court judge of the circuit or any superior court judge who is a member of the ~~Georgia Child Fatality Review Panel~~ panel shall issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.

(e) Deaths eligible for review by ~~local~~ review committees are all deaths of children ages birth through 17 as a result of:

(1) Sudden Infant Death Syndrome;
(2) Any unexpected or unexplained conditions;
(3) Unintentional injuries;
(4) Intentional injuries;
(5) Sudden death when the child is in apparent good health;
(6) Any manner that is suspicious or unusual;
(7) Medical conditions when unattended by a physician. For the purpose of this paragraph, no person shall be deemed to have died unattended when the death occurred while the person was a patient of a hospice licensed under Article 9 of Chapter 7 of Title 31; ~~or~~
(8) Serving as an inmate of a state hospital or a state, county, or city penal institution; or
(9) Child abuse."

"(g) If the death of a child occurs outside the child's county of residence, it shall be the duty of the medical examiner or coroner in the county where the child died to notify the medical examiner or coroner in the county of the child's residence. It shall be the duty of such medical examiner or coroner to provide the protocol committee of the county of such child's residence with copies of all information and reports required by subsections (i) and (j) of this Code section.

(h) When a county medical examiner or coroner receives a report regarding the death of any child, he or she shall within 48 hours of the death notify the chairperson of the ~~child fatality~~ review committee ~~of~~ for the county or circuit in which such child resided at the time of death.

(i) The coroner or county medical examiner shall review the findings regarding the cause and manner of death for each child death report received and respond as follows:

(1) If the death does not meet the criteria for review pursuant to subsection (e) of this Code section, the coroner or county medical examiner shall sign the form designated by the panel stating that the death does not meet the criteria for review. He or she shall forward the form and findings, within seven days of the child's death, to the chairperson of the ~~child fatality~~ review committee ~~in~~ for the county or circuit of the child's residence; or

(2) If the death meets the criteria for review pursuant to subsection (e) of this Code section, the coroner or county medical examiner shall complete and sign the form designated by the panel stating the death meets the criteria for review. He or she shall forward the form and findings, within seven days of the child's death, to the chairperson of the ~~child fatality~~ review committee ~~in~~ for the county or circuit of the child's residence.

(j) When the chairperson of a ~~local child fatality~~ review committee receives a report from the coroner or medical examiner regarding the death of a child, ~~that~~ such chairperson shall review the report and findings regarding the cause and manner of the child's death and respond as follows:

(1) If the report indicates the child's death does not meet the criteria for review and the chairperson agrees with this decision, the chairperson shall sign the form designated by the panel stating that the death does not meet the criteria for review. He or she shall forward the form and findings to the panel within seven days of receipt;

(2) If the report indicates the child's death does not meet the criteria for review and the chairperson disagrees with this decision, the chairperson shall follow the procedures for deaths to be reviewed pursuant to subsection (k) of this Code section;

(3) If the report indicates the child's death meets the criteria for review and the chairperson disagrees with this decision, the chairperson shall sign the form designated by the panel stating that the death does not meet the criteria for review. The chairperson shall also attach an explanation for this decision; or

(4) If the report indicates the child's death meets the criteria for review and the chairperson agrees with this decision, the chairperson shall follow the procedures for deaths to be reviewed pursuant to subsection (k) of this Code section.

(k) When a child's death meets the criteria for review, the chairperson shall convene the review committee within 30 days after receipt of the report for a meeting to review and investigate the cause and circumstances of the death. Review committee members shall provide information as specified ~~below~~ in this subsection, except where otherwise protected by ~~statute~~ law:

(1) The providers of medical care and the medical examiner or coroner shall provide pertinent health and medical information regarding a child whose death is being reviewed by the ~~local~~ review committee;

(2) State, county, or local government agencies shall provide all of the following data on forms designated by the panel for reporting child fatalities:

(A) Birth information for children who died at less than one year of age, including confidential information collected for medical and health use;

(B) Death information for children who have not reached their eighteenth birthday;

(C) Law enforcement investigative data, medical examiner or coroner investigative data, and parole and probation information and records;

(D) Medical care, including dental, mental, and prenatal health care; and

(E) Pertinent information from any social services agency that provided services to the child or family; and

(3) The review committee may obtain from any superior court judge of the county or circuit for which the review committee was created a subpoena to compel the production of documents or attendance of witnesses when that judge has made a finding that such documents or witnesses are necessary for the review committee's review. Service of, objection to, and enforcement of subpoenas authorized by this Code section shall be governed by the procedures set forth in Chapter 13 of Title 24. However, this Code section shall not modify or impair the privileged communications as provided by law except as otherwise provided in Code Section 19-7-5.

(4) Disclosure of protected health information pursuant to this subsection shall be considered to be for a law enforcement purpose, and the review committee shall be considered to be a law enforcement official within the meaning of the rules and regulations adopted pursuant to the federal Health Insurance Portability and Accountability Act of 1996. Disclosure of confidential or privileged matter to the review committee pursuant to this Code section shall not serve to destroy or in any way abridge the confidential or privileged character thereof, except for the purpose for which such disclosure is made."

"(8) Include other findings as requested by the ~~Georgia Child Fatality Review Panel~~ panel."

"(o) Each ~~local~~ review committee shall issue an annual report no later than the first day of July ~~in 2001 and in~~ each year ~~thereafter~~. The report shall:

(1) Specify the numbers of reports received by ~~that~~ such review committee from a county medical examiner or coroner pursuant to subsection (h) of this Code section for the preceding calendar year;

(2) Specify the number of reports of child fatality reviews prepared by the review committee during such period;

(3) Be published at least once annually in the legal organ of the county or counties for which the review committee was established with the expense of such publication paid each by such county; and

(4) Be transmitted, no later than the fifteenth day of July ~~in 2001 and in~~ each year ~~thereafter~~, to the ~~Georgia Child Fatality Review Panel~~ panel."

SECTION 2-6.

Said chapter is further amended by revising subsections (a), (b), (c), and the introductory language of subsection (i) of Code Section 19-15-4, relating to the Georgia Child Fatality Review Panel, as follows:

"(a) There is created the Georgia Child Fatality Review Panel ~~as defined in paragraph (7) of Code Section 19-15-1~~. The panel shall oversee the local child fatality review process and report to the Governor on the incidence of child deaths with recommendations for prevention.

(b) The ~~Office of the Child Advocate for the Protection of Children~~ director of the Georgia Bureau of Investigation or his or her designee shall coordinate the work of the panel and shall provide such administrative and staff support to the panel as may be necessary to enable the panel to discharge its duties under this chapter. The panel shall be attached to the ~~Office of Planning and Budget~~ Division of Forensic Sciences of the Georgia Bureau of Investigation for administrative purposes, and its planning, policy, and budget functions shall be coordinated with those of the ~~Office of the Child Advocate~~ Division of Forensic Sciences of the Georgia Bureau of Investigation.

(c) The panel shall be composed as follows:

(1) One district attorney appointed by the Governor;

(2) One juvenile court judge appointed by the Governor;

(3) Two citizen members ~~who shall be appointed by the Governor,~~ who are not employed by or officers of the state or any political subdivision thereof ~~and~~ shall be appointed by the Governor, one of whom shall come from each of the following:

(A) A ~~a~~ state-wide child abuse prevention organization; and

(B) A ~~a~~ state-wide childhood injury prevention organization;

(4) One forensic pathologist appointed by the Governor;

(5) The chairperson of the Board of Human Services;

(6) The director of the Division of Family and Children Services of the Department of Human Services;

(7) The director of the Georgia Bureau of Investigation;

(8) The chairperson of the Criminal Justice Coordinating Council;

(9) A member of the Georgia Senate appointed by the Lieutenant Governor;

(10) A member of the Georgia House of Representatives appointed by the Speaker of the House of Representatives;

(11) A local law enforcement official appointed by the Governor;

(12) A superior court judge appointed by the Governor;

(13) A coroner appointed by the Governor;

(14) The Child Advocate for the Protection of Children;

(15) The commissioner of public health; ~~and~~

(16) The commissioner of behavioral health and developmental disabilities;

(17) A member of the State Board of Education appointed by the Governor; and

(18) The commissioner of early care and learning."

"(i) By January 1 of each calendar year, the panel shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, ~~and~~

~~the Judiciary Committees~~ the chairperson of the Senate Judiciary Committee, and ~~House of Representatives~~ the chairperson of the House Committee on Judiciary regarding the prevalence and circumstances of child fatalities in ~~the~~ this state; shall recommend measures to reduce such fatalities caused by other than natural causes; and shall address in the report the following issues:"

SECTION 2-7.

Said chapter is further amended by revising subsections (b), (g), and (i) of Code Section 19-15-6, relating to use of information and records of protocol committees, review committees, and panels, as follows:

"(b) Notwithstanding any other provision of law to the contrary, reports of a review committee made pursuant to Code Section 19-15-3 and reports of the panel made pursuant to Code Section 19-15-4 shall be public records and shall be released to any person making a request therefor, but the ~~panel~~ protocol committee, ~~or~~ review committee, or panel having possession of such records or reports shall only release them after expunging therefrom all information contained therein which would permit identifying the deceased or abused child, any family member of the child, any alleged or suspected perpetrator of abuse upon the child, or any reporter of suspected child abuse."

"(g) A member of a protocol committee, a review committee, or the panel shall not be civilly liable or ~~criminally liable~~ subject to criminal prosecution for any disclosure of information made by such member as authorized by this Code section."

"(i) Notwithstanding any other provisions of law, information acquired by and documents, records, and reports of the panel and ~~child abuse~~ protocol committees and review committees applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records."

SECTION 2-8.

Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for the Georgia Bureau of Investigation, is amended by revising Code Section 35-3-5, relating to the powers and duties of the director of the Georgia Bureau of Investigation, as follows:

"35-3-5.

(a) There is created the position of director.

(b) The director shall be the chief administrative officer and shall be both appointed and removed by the Board of Public Safety with the approval of the Governor.

(c) The director shall coordinate and supervise the work of the Georgia Child Fatality Review Panel created by Code Section 19-15-4 or shall designate a person from within the bureau to serve as the coordinator and supervisor and shall provide such staffing and administrative support to the Georgia Child Fatality Review Panel as may be necessary to enable it to carry out its statutory duties.

(d) The director shall report the death of any child to the chairperson of the review committee, as such term is defined in Code Section 19-15-1, for the county in which such child resided at the time of death, unless the director or his or her designee has knowledge that such death has been reported by the county medical examiner or coroner, pursuant to Code Section 19-15-3, and shall provide such review committee access to any records of the bureau relating to such child.

~~(c)~~(e) Except as otherwise provided by this chapter, and subject to the general policy established by the board, the director shall supervise, direct, account for, organize, plan, administer, and execute the functions vested in the bureau by this chapter."

SECTION 2-9.

It is the intent of the General Assembly to provide for transparency relative to investigations involving child abuse and child fatalities in order to best protect the children of this state. The General Assembly finds that more disclosure of information may be necessary when a child is deceased. The General Assembly intends that agencies and departments of this state share data in order to conduct research for the purpose of preventing child fatalities in this state.

SECTION 2-10.

Code Section 49-5-41 of the Official Code of Georgia Annotated, relating to persons and agencies permitted access to child abuse and dependency records, is amended by revising paragraphs (6), (7.1), and (8) of subsection (a), paragraph (5) of subsection (c), and subsection (e) as follows:

"(6) Any adult requesting information regarding investigations by the department or a governmental child protective agency regarding the findings or information about the case of child abuse or neglect ~~that results in a child~~ involving a fatality or near fatality~~, unless such disclosure of information would jeopardize a criminal investigation or proceeding, but such access shall be limited to a disclosure of the available facts and findings. Any identifying information, including but not limited to the child or caretaker's name, race, ethnicity, address, or telephone numbers and any other information that is privileged or confidential, shall be redacted to preserve the confidentiality of the child, other children in the household, and the child's parents, guardians, custodians, or caretakers~~; provided, however, that the following may be redacted from such records:

(A) Any record of law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records;

(B) Medical and mental health records made confidential by other provisions of law;

(C) Privileged communications of an attorney;

(D) The identifying information of a person who reported suspected child abuse;

(E) Information that may cause mental or physical harm to the sibling or other child living in the household of the child being investigated;

(F) The name of a child who is the subject of reported child abuse or neglect;
(G) The name of any parent or other person legally responsible for the child who is the subject of reported child abuse or neglect, provided that such person is not under investigation for the reported child abuse or neglect; and
(H) The name of any member of the household of the child who is the subject of reported child abuse or neglect, provided that such person is not under investigation for the reported child abuse or neglect."

"(7.1) A child advocacy center which is certified by the ~~Child Abuse Protocol Committee of~~ protocol committee, as such term is defined in Code Section 19-15-1, for the county where the principal office of the center is located as participating in the ~~Georgia Network of~~ Children's Advocacy Centers of Georgia or a similar accreditation organization and which is operated for the purpose of investigation of known or suspected child abuse and treatment of a child or a family which is the subject of a report of abuse, and which has been created and supported through one or more intracommunity compacts between such advocacy center and one or more police agencies, the office of the district attorney, a legally mandated public or private child protective agency, a mental health board, and a community health service board; provided, however, that any child advocacy center which is granted access to records concerning reports of child abuse shall be subject to the confidentiality provisions of subsection (b) of Code Section 49-5-40 and shall be subject to the penalties imposed by Code Section 49-5-44 for authorizing or permitting unauthorized access to or use of such records;

(8) Police or any other law enforcement agency of this state or any other state or any medical examiner or coroner investigating a report of known or suspected abuse or any ~~child fatality~~ review ~~panel~~ committee or ~~child abuse~~ protocol committee ~~or subcommittee thereof~~ created pursuant to Chapter 15 of Title 19, it being found by the General Assembly that the disclosure of such information is necessary in order for such entities to carry out their legal responsibilities to protect children from abuse and neglect, which protective actions include bringing criminal actions for such abuse or neglect, and that such disclosure is therefore permissible and encouraged under the 1992 amendments to Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section 5106(A)(b)(4); and"

"(5) An agency, facility, or person having responsibility or authorization to assist in making a judicial determination for the child who is the subject of the report or record of child abuse, including but not limited to members of officially recognized citizen review panels, court appointed guardians ad litem, certified Court Appointed Special Advocate (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates for the best interest of a child in a juvenile proceeding, and members of a ~~county child abuse~~ protocol committee ~~or task force~~, as such term is defined in Code Section 19-15-1;"

"(e)(1) Except as provided in paragraph (2) of this subsection and notwithstanding ~~Notwithstanding~~ any other provisions of law, ~~with the exception of medical and mental health records made confidential by other provisions of law,~~ child abuse and

dependency records shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50 if the records are applicable to a child who at the time of his or her fatality or near fatality was:

~~(1)~~(A) In the custody of a state department or agency or in the care of a foster parent;

~~(2)~~(B) A child as defined in paragraph (3) of Code Section 15-11-741; or

~~(3)~~(C) The subject of an investigation, report, referral, or complaint under Code Section 15-11-743

~~shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records; provided, however, that any identifying information, including but not limited to the child or caretaker's name, race, ethnicity, address, or telephone numbers and any other information that is privileged or confidential, shall be redacted to preserve the confidentiality of the child, other children in the household, and the child's parents, guardians, custodians, or caretakers~~.

(2) The following may be redacted from such records:

(A) Medical and mental health records made confidential by other provisions of law;

(B) Privileged communications of an attorney;

(C) The identifying information of a person who reported suspected child abuse;

(D) The name of a child who suffered a near fatality;

(E) The name of any sibling of the child who suffered the fatality or near fatality; and

(F) Any record of law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records.

(3) Upon the release of documents pursuant to this subsection, the department may comment publicly on the case."

PART III
SECTION 3-1.

This part shall be known and may be cited as the "Haleigh's Hope Act."

SECTION 3-2.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended by revising subparagraph (P) of paragraph (3) of Code Section 16-13-25, relating to Schedule I, as follows:

"(P) Except as provided in paragraph (131.5) of subsection (b) of Code Section 16-13-71, tetrahydrocannabinols ~~Tetrahydrocannabinols~~ which shall include, but are not limited to:

(i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and

(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do not contain plant material exhibiting the external morphological features of the plant cannabis;"

SECTION 3-3.

Said chapter is further amended by adding a new paragraph to subsection (b) of Code Section 16-13-71, relating to the definition of a dangerous drug, to read as follows:

"(131.5) Cannabinol and cannabidiol – when it has a purity of 0.8 percent or less of tetrahydrocannabinols that is delivered in the form of a liquid, pill, or injection but which does not include smoking;"

PART IV
SECTION 4-1.

Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, is amended by adding a new Code section to read as follows:

"31-2-12.

(a) As used in this Code section, the term 'state health insurance plan' means:

(1) The state employees' health insurance plan established pursuant to Article 1 of Chapter 18 of Title 45;

(2) The health insurance plan for public school teachers established pursuant to Subpart 2 of Part 6 of Article 17 of Chapter 2 of Title 20; and

(3) The health insurance plan for public school employees established pursuant to Subpart 3 of Part 6 of Article 17 of Chapter 2 of Title 20.

(b) Beginning six months after the effective date of this Code section, the department shall conduct a two-year pilot program to provide coverage for the treatment and management of obesity and related conditions under a state health insurance plan. The pilot program will provide benefits for medically necessary bariatric procedures for participants selected for inclusion in the pilot program.

(c) Participation in the pilot program shall be limited to no more than 75 individuals per year, to be selected in a manner determined by the department. Any person who has elected coverage under a state health insurance plan shall be eligible to be selected to participate in the pilot program in accordance with criteria established by the department which shall include, but not be limited to:

(1) Participation in a state health insurance plan for at least 12 months;

)2(Completion of a health risk assessment through a state health insurance plan;

(3) A body mass index of:

(A) Greater than 40; or

(B) Greater than 35 with one or more co-morbidities such as diabetes, hypertension, gastro-esophageal reflux disease, sleep apnea, or asthma;

(4) Consent to provide personal and medical information to a state health insurance plan;

(5) Non-tobacco user;
(6) No other primary group health coverage or primary coverage with Medicare; and
(7) Must have been covered under a state health insurance plan for two years immediately prior to the pilot program and must express an intent to continue coverage under such state health insurance plan for two years following the approved surgical procedure date.

(d) Eligible individuals must apply to participate in the pilot program. The individual and his or her physician shall complete and submit an obesity treatment program application to the department no later than February 1 for each year of the pilot program. The department's contracted health insurance carrier shall review the criteria contained in subsection (c) of this Code section to determine qualified applicants for the pilot program.

(e) The selected participants shall be eligible to receive a multi-disciplinary health evaluation at a facility located within the State of Georgia which is designated by the American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of Excellence. The bariatric surgical procedures covered in the pilot program are:
(1) Gastric band;
(2) Laparoscopic sleeve gastrectomy; and
(3) Rouen-Y gastric bypass.

The participants shall use the department's contracted health insurance carrier to enroll in a case management program and to receive prior authorization for a surgical procedure provided pursuant to the pilot program. The health insurance carrier shall provide case management and patient follow-up services. Benefits for a bariatric surgical procedure under the pilot program shall be provided only when the surgical procedure is performed at a Center of Excellence within the State of Georgia.

(f) All health care services provided pursuant to the pilot program shall be subject to the health insurance carrier's plan of benefits and policy provisions. Complications that arise after the discharge date are subject to the health insurance carrier's plan of benefits and policy provisions.

(g) Participants must agree to comply with any and all terms and conditions of the pilot program including, but not limited to, participation and reporting requirements. Participation requirements shall include a 12 month postsurgery case management program. Each participant must also agree to comply with any and all requests by the department for postsurgical medical and productivity information, and such agreement shall survive his or her participation in a state health insurance plan.

(h) A panel shall review the results and outcomes of the pilot program beginning six months after program initiation and shall conduct subsequent reviews every six months for the remainder of the pilot program. The panel shall be composed of the following members, appointed by the Governor:
(1) A representative of a state health insurance plan;
(2) A representative of the state contracted health insurance carrier or carriers providing coverage under the pilot program; and

(3) At least two physicians who carry a certification by the American Society for Metabolic and Bariatric Surgery.

(i) The department shall provide a final report by December 15 of the last year of the pilot program to the chairpersons of the House Committee on Health and Human Services, the Senate Health and Human Services Committee, the House Committee on Appropriations, and the Senate Appropriations Committee. The report shall include, at a minimum:

(1) Whether patients in the pilot have experienced:

(A) A reduction in body mass index, and if so, the average amount of reduction; or

(B) The reduction or elimination of co-morbidities, and if so, which co-morbidities were reduced or eliminated;

(2) The total number of individuals who applied to participate in the pilot program;

(3) The total number of participants who enrolled in the pilot program;

(4) The average cost of each procedure conducted under the pilot program, including gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass;

(5) The total cost of each participant's annual health care costs prior to the surgical procedure and for each of the subsequent post-procedure years for the three years following the surgical procedure; and

(6) The percentage of participants still employed by the state 12 months following the surgical procedure and 24 months following the surgical procedure, respectively.

(j) This Code section shall stand repealed 42 months after the effective date of such Code section.

(k) This Code section shall become effective only if funds are specifically appropriated for the purposes of Section 4-1 of this Act in an Appropriations Act enacted by the General Assembly. If funds are so appropriated, then Section 4-1 of this Act shall become effective on the later of the date on which such Appropriations Act becomes effective or the beginning date of the fiscal year for which such appropriations are made."

PART V
SECTION 5-1.

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.

(F) This paragraph shall apply to all taxable years beginning on or after January 1, 2014;"

PART VI
SECTION 6-1.

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

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

On the adoption of the amendment, the ayes were 133, nays 25.

The amendment was adopted.

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

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

Y Abrams
Y Alexander
N Allison
Y Anderson
Y Atwood
N Ballinger
E Barr
E Battles
Y Beasley-Teague
Y Bell
Y Bennett
Y Bentley
N Benton
Y Beverly
Y Black
Y Braddock
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
N Caldwell, J
N Caldwell, M
Y Coomer
Cooper
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
E 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
N Gregory
Y Hamilton
Y Harbin
Y Harden
N Harrell
Y Hatchett
Y Hawkins
Y Henson
N Hightower
Y Hitchens
Y Holcomb
Y Holmes
N Holt
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Jones, J
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
Y Morgan
Morris
Y Mosby
Y Nimmer
Y Nix
Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
N Pezold
Y Powell, A
Powell, J
Y Prince
Y Pruett
N Quick
Y Ramsey
Y Randall
E Rice
Sims, C
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
N Spencer
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
E Teasley
Y Thomas, A.M.
N Turner
Y Waites
Y Watson, B
Y Watson, S

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

On the passage of the Bill, as amended, the ayes were 131, nays 25.

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

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

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

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 Senate substitute was read:

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 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.

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 paragraphs (2) and (3) of Code Section 43-6-1, relating to definitions applicable to auctioneers, as follows:

"(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~~ Reserved.

(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."

SECTION 2.

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 3.

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 4.

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 5.

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 6.

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 7.

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~~ <u>auctioning</u> 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 8.

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 9.

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 10.

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 11.

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 12.

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 13.

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

Representative Dempsey of the 13th moved that the House agree to the Senate substitute to HB 1042.

On the motion, 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
E 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 Channell
Y Chapman
Y Cheokas
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
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
Y Holmes
Y Holt
Y Houston
Y Howard
Y Hugley
Y Jackson
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
Y Moore
Y Morgan
Morris
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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
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
E Teasley
Y Thomas, A.M.
Y Turner
Y Waites
Y Watson, B
Y Watson, S
Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Williams, E
Y Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 164, nays 0.

The motion prevailed.

The Speaker assumed the Chair.

HB 749. By Representatives Duncan of the 26th, Tanner of the 9th, Martin of the 49th, Golick of the 40th, Pak of the 108th and others:

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 cargo theft; to provide for a definition; to provide for penalties; to provide for the crime of unlawful possession or use of a fifth wheel; to amend Code Section 35-3-4 of the Official Code of Georgia Annotated, relating to powers and duties of the Georgia Bureau of Investigation generally, so as to provide the GBI with jurisdiction with regard to cargo theft; to provide for related matters; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to a*mend HB 749 (LC 29 5935S) by striking "*to amend Code Section 35-3-4 of the Official Code of Georgia Annotated, relating to powers and duties of the Georgia Bureau of Investigation generally, so as to provide the GBI with jurisdiction with regard to cargo theft;*" on lines 4 through 6, by deleting lines 95 through 99, and by redesignating Sections 4 and 5 as Sections 3 and 4, respectively.*

Representative Duncan of the 26th moved that the House agree to the Senate amendment to HB 749.

On the motion, 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	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	E Morris	Y Spencer
E Battles	Y Dickson	Y 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	Y Drenner	N Holcomb	N Oliver	Y Stovall
N Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
N Benton	N Dukes	Y Holt	N 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	E Teasley
Y Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
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	Y Kaiser	N Randall	Y Watson, B
Y Caldwell, M	N Fludd	Y Kelley	E Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Welch
Y Carter	N Frye	Y Kidd	Y Roberts	Y Weldon
Y Casas	N 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	E 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	N Marin	N Setzler	Y 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 motion, the ayes were 116, nays 55.

The motion prevailed.

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

Representatives Dutton of the 157th, Watson of the 166th, and Clark of the 98th.

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

Mr. Speaker:

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

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.

HB 897. By Representatives Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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.

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

HB 761. By Representatives Riley of the 50th, Battles of the 15th, Wilkerson of the 38th, Greene of the 151st, Buckner of the 137th and others:

A BILL to be entitled an Act to amend Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to the Public Retirement Systems Standards Law, so as to change references to certain Governmental

Accounting Standards Board Statements relative to the definition of annual required contribution; to repeal conflicting laws; and for other purposes.

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

HOUSE RULES CALENDAR
THURSDAY, MARCH 20, 2014

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HR 550 General Assembly; election of local school superintendents as alternative to appointment; provide - CA (Substitute)(Ed-Jasperse-11th)
HR 870 Capitol Arts Standards Commission; arrange placement of portrait of former Speaker Pro Tempore Jack Connell in state capitol; urge (Substitute)(SProp-Sims-123rd)
HR 1723 House Study Committee on Licensing and Inspection of Child Welfare Providers; create (JuvJ-Welch-110th)
HR 1771 Georgia Secretary of State; look into feasibility of vote-by-phone by conducting a pilot program in the 2014 election for use by overseas and military voters; request (Substitute)(GAff-Lindsey-54th)
HR 1805 House Study Committee on DUI Recidivism and Driver's License Suspensions and Reinstatements; create (Substitute)(PS&HS-Powell-32nd)
HR 1828 House Study Committee on Aviation and Jobs; create (SP&CA-Pruett-149th)

Modified Structured Rule

SB 93 Wildlife; authorize the use of suppressors on hunting firearms under certain circumstances (Substitute)(GF&P-Powell-32nd) Heath-31st

Structured Rule

None

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

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

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

HR 1828. By Representatives Pruett of the 149th, Stephens of the 164th, Cheokas of the 138th, Dukes of the 154th and O`Neal of the 146th:

A RESOLUTION creating the House Study Committee on Aviation and Jobs; 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	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
E 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	E 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
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	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	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	E 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	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	E 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	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 adoption of the Resolution, the ayes were 166, nays 5.

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

HR 870. By Representative Sims of the 123rd:

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

The following Committee substitute was read and adopted:

A RESOLUTION

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

WHEREAS, Honorable Jack Connell served with distinction as Speaker Pro Tempore of the House of Representatives for many years; and

WHEREAS, in recognition of such service, it is fitting and proper that a suitable portrait of former Speaker Pro Tempore Jack Connell be placed in an appropriate location.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body urge the Capitol Arts Standards Commission to arrange for placement of a suitable portrait of former Speaker Pro Tempore Jack Connell in an appropriate location.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the Capitol Arts Standards Commission.

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	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
E 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	E 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
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
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	E 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
Channell	Y Gasaway	Y Lindsey	E 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 adoption of the Resolution, by substitute, the ayes were 168, nays 3.

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

HR 1805. By Representatives Powell of the 32nd, Rice of the 95th and Taylor of the 173rd:

A RESOLUTION creating the House Study Committee on DUI Recidivism and Driver's License Suspensions and Reinstatements; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the House Study Committee on For-Hire Transportation Services; creating the House Study Committee on DUI Recidivism and Driver's License Suspensions and Reinstatements; and for other purposes.

PART I.

WHEREAS, for many years, limousine carriers have been regulated by the state and taxi services have been regulated by local governments; and

WHEREAS, recently, other for-hire transportation services have come into this state and are using different business models that do not fit well within either limousine carriers or taxi services in the manner of service delivery, billing and payment, safety regulation, insurance, and other areas which affect the people using such services; and

WHEREAS, these new forms of for-hire transportation services create challenges in protecting the traveling public and ensuring the safety of persons using such forms of transportation services; and

WHEREAS, these new forms of transportation services also give rise to a reexamination of the manner in which government regulates existing forms of for-hire transportation services and the manner in which sales and use taxes and regulatory fees are collected from such entities; and

WHEREAS, in order to determine the best methods by which to ensure the safety of the public, prevent illegal and unsafe practices, regulate such entities, and collect sales and use taxes and other regulatory fees, it would be beneficial to study the current system and emerging business models.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that there is created the House Study Committee on For-Hire Transportation Services to be composed of five members of the House of Representatives appointed by the Speaker of the House of Representatives. The Speaker of the House of Representatives shall designate a chairperson from among the appointees. The committee shall meet at the call of the chairperson.

BE IT FURTHER RESOLVED that the committee shall undertake a comprehensive study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate.

BE IT FURTHER RESOLVED that 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. The 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 five days unless additional days are authorized by the Speaker of the House of Representatives. The funds necessary to carry out the provisions of this resolution shall come from the funds appropriated to the House of Representatives. In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, if any, such report shall be made on or before December 1, 2014. The committee shall stand abolished on December 1, 2014.

PART II.

WHEREAS, many repeat driving-under-the-influence offenders have serious alcohol problems that make it difficult to curb their drinking and driving behaviors; and

WHEREAS, according to the National Traffic Highway Safety Administration, about one-third of all drivers arrested or convicted of driving while intoxicated or driving under the influence (DWI/DUI) of alcohol are repeat offenders; and

WHEREAS, Georgia has established drug courts which involve the coordination of the judiciary, prosecution, probation, defense bar, law enforcement, social services, mental health, and the treatment community to intervene with chronic offenders to break the cycle of substance abuse, addiction, and criminal activity; and

WHEREAS, many tools are available to decrease the likelihood that individuals charged with driving under the influence will become a repeat offender, including intoximeters, ignition interlock devices, and counseling programs; and

WHEREAS, it is vital that the General Assembly analyze any and all tools to aid in the decrease of recidivism of driving under the influence.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that there is created the House Study Committee on DUI Recidivism and Driver's License Suspensions and Reinstatements to be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The

Speaker shall designate a member of the committee as chairperson of the committee. The chairperson shall call all meetings of the committee.

BE IT FURTHER RESOLVED that the committee shall undertake a comprehensive study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate.

BE IT FURTHER RESOLVED that 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. The 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 five days unless additional days are authorized by the Speaker of the House of Representatives. The funds necessary to carry out the provisions of this resolution shall come from the funds appropriated to the House of Representatives. In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, if any, such report shall be made on or before December 1, 2014. The committee 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	N Coomer	N Gregory	N 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	N Spencer
E 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	N Dudgeon	Y Holmes	O'Neal	N Stover
Y Benton	Y Dukes	Y Holt	Y Pak	N Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	N Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	N Pezold	N Tarvin
Y Brockway	Ehrhart	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	N Teasley
Y Bryant	Y Epps, J	Y Jones, L	Y Pruett	Y Thomas, A.M.

Y Buckner	Y Evans	Y Jones, S	N Quick	N Turner
Y Burns	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	E Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Welch
Y Carter	Y Frye	Y Kidd	N Roberts	Weldon
Y Casas	Y Fullerton	N Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E 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	Y Golick	Y Marin	N Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	N Williamson
Y Coleman	N 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 148, nays 22.

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

HR 1723. By Representatives Welch of the 110th, Weldon of the 3rd, Atwood of the 179th, Oliver of the 82nd, Chandler of the 105th and others:

A RESOLUTION creating the House Study Committee on Licensing and Inspection of Child Welfare Providers; 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	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	Morris	Y Spencer
E 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	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	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	E 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	Kirby	Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E 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, the ayes were 168, nays 2.

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

HR 550. By Representatives Jasperse of the 11th, Lindsey of the 54th, Battles of the 15th, Casas of the 107th, Peake of the 141st and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the election of local school superintendents as an alternative to appointment of local school superintendents; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the House Study Committee on the Role of Federal Government in Education; and for other purposes.

WHEREAS, education funding for K-12 in this state currently comprises over 40 percent of the state budget; and

WHEREAS, the federal government continues to play an increasingly greater role in public education; and

WHEREAS, it is the position of the Georgia General Assembly that public education should remain squarely within the purview of the state and local boards of education; and

WHEREAS, to evaluate whether a recommendation should be made that the United States Department of Education should be abolished and any funding derived thereby returned to the states in the form of block grants for the purpose of education spending; and

WHEREAS, it would be beneficial:

(1) To review the role of the federal government in public education, both historically and in recent years;

(2) To review the origins of the common core standards, including its genesis as a voluntary, state led effort, the subsequent endorsement by the federal government, and the effects and implications of newer federal ties to the common core standards;

(3) To review any agreements in effect in this state between state education agencies and the federal government relating to common core standards to determine what liabilities could be incurred by the taxpayers of this state if any part of existing programs is terminated prematurely; and

(4) To make recommendations to the Speaker of the House of Representatives, the State Board of Education, the State School Superintendent, the Governor, and local boards of education based on such review to ensure that all state standards, curriculum, and assessments remain under the control of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that there is created the House Study Committee on the Role of Federal Government in Education to be composed of 15 members as follows:

(1) The chairperson of the House Committee on Education or his or her designee;

(2) The chairperson of the House Committee on Higher Education or his or her designee; and

(3) The following members appointed by the Speaker of the House of Representatives:

(A) Three members of the House of Representatives, one of which shall be a member of the minority party;

(B) One member of the State Board of Education;

(C) One local school superintendent from RESA Districts 1-5;

(D) One local school superintendent from RESA Districts 6-10;

(E) One local school superintendent from RESA Districts 11-16;

(F) One teacher from RESA Districts 1-5;

(G) One teacher from RESA Districts 6-10;

(H) One teacher from RESA Districts 11-16; and

(I) Three parents or grandparents of one or more students in a public K-12 school in this state.

The chairpersons of the House Committee on Education and the House Committee on Higher Education shall serve as cochairpersons of the committee. The cochairpersons 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 recommend any action or legislation which the committee deems necessary or appropriate. 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. The 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 three days unless additional days are authorized. The funds necessary to carry out the provisions of this resolution shall come from the funds appropriated to the House of Representatives. The committee shall deliver recommendations in accordance with this resolution 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:

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	Dickerson	Y Hatchett	N Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
E Battles	Y Dickson	N Henson	N Mosby	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Y Stephens, R
N Bell	Douglas	Y Hitchens	Y Nix	N Stephenson
N Bennett	N Drenner	Holcomb	N Oliver	N Stovall
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	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	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	Y Waites
Y Caldwell, J	N Floyd	Kaiser	N Randall	Y Watson, B
Y Caldwell, M	N Fludd	Y Kelley	E Rice	Y Watson, S

Y Carson	N Frazier	N Kendrick	Y Riley	Welch
Y Carter	N Frye	Y Kidd	Y Roberts	Weldon
Y Casas	N 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	E Rutledge	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	Greene	N Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 112, nays 52.

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

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

March 20th, 2014

Mr. Clerk,

Let the record reflect I am a "NO" vote on HR 550.

/s/ Rep. Keisha Waites
District 60

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

HB 1114. By Representatives Williams of the 168th and Stephens of the 164th:

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "An Act to create a new charter for the City of Hinesville in the County of Liberty," approved March 10, 1959 (Ga. L. 1959, p. 2604), as amended, is amended by adding a new section to read as follows:

"SECTION 2B.

The area included in the corporate limits of the City of Hinesville shall not include:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN the 17TH G.M.D. in the City of Flemington, County of Liberty, State of Georgia, being more particularly described as follows:

COMMENCING at the center of the City of Flemington, being the Center Point of the old Post Office, an A-framed wooden building, measuring 55.3 feet by 22.3 feet; located at the Southeast intersection of Old Sunbury Road and Old Hines Road. Said Center Point having Georgia East State Plane Coordinates of; Northing 676.927.91 and Easting 843,474.46.

THENCE leaving the Center Point of the City of Flemington; North 72° 57' 08" West a Distance of 1.0 Miles or 5280.00 feet to a Point on the Northern Boundary of Tremain Estates,

Said Point lying South 67° 49' 22" East a Distance of 1.62 feet from the Northern most corner of Lot 18 of Tremain Estates; being the true POINT OF BEGINNING;

THENCE North 67° 49' 22" West a Distance of 358.17 feet to a Point, being the Northwest corner of Tremain Estates;

THENCE South 04° 20' 10" East a Distance of 1412.41 feet along Tremain Estates Western Boundary to a Point being 1.0 Miles or 5280.00 Feet from Said Center Point;

THENCE Flollowing the 1.0 Miles or 5280.00 Feet Radius of Center Point, a Chord Bearing of North 10° 01' 02" East a Chord Distance of 1292.87 Feet to a Point;

Being the POINT OF BEGINNING.

Containing 4.41 acres (192,076 Square Feet) of land, more or less,"

SECTION 2.

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

SECTION 3.

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

HB 1128. By Representatives Henson of the 86th, Drenner of the 85th, Holcomb of the 81st, Jacobs of the 80th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, so as to change the corporate limits of the city by annexing certain territory; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, so as to change the corporate limits of the city by annexing certain territory; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART ONE
SECTION 1-1.

An Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, is amended by designating the existing text in Section 1.02 as subsection (a) and adding a new subsection to read as follows:

"(b) In addition to all other territory included within the boundaries of the city, the city shall also include the following described real property:

Beginning at a point on the existing corporate limit line of the City of Clarkston approximately two hundred fifty (250) feet north of the intersection of Casa Drive and Casa Woods Lane; Then, following the existing curved corporate limit line of the City of Clarkston in a south-southeasterly direction to a point where the existing corporate limit line of the City of Clarkston intersects the southern right-of-way line of Rowland

Street, approximately one hundred fifty (150) feet east of the intersection of Rowland and Lovejoy Streets; Then, following a line consistent with the boundary lines of adjacent parcels in a westerly direction for approximately two thousand five hundred (2,500) feet, to a point on the eastern right-of-way line of Interstate 285; Then, following the eastern right-of-way line of Interstate 285 south to a point approximately seven hundred (700) feet to the west of the intersection of Northern Avenue and Indian Creek Way; Then, crossing the right-of-way of Interstate 285 and continuing west following a line consistent with the boundary lines of adjacent parcels to a point along the eastern right-of-way line of Glendale Road approximately 1,500 feet southeast of Church Street; Then, following the eastern right-of-way line of Glendale Road in a northerly direction to its intersection with Gifford Street; Then, following the northern right-of-way line of Gifford Street in a southwesterly direction to the end of Gifford Street; Then, continuing in such southwesterly direction along a line consistent with adjacent parcels for approximately one thousand five hundred (1,500) feet to a point along the eastern right-of-way line of Woodland Avenue; Then, following the eastern right-of-way line of Woodland Avenue south to its intersection with North Decatur Road; Then, following the northern right-of-way line of North Decatur Road west to its intersection with Church Street; Then, following the southern right-of-way line of Church Street in a northeasterly direction to the western right-of-way line of Interstate 285; Then, crossing the right-of-way of Interstate 285 diagonally in a northeasterly direction to the meeting place of the eastern right-of-way line of Interstate 285 and the northern right-of-way line of East Ponce de Leon Avenue; Then, following the eastern right-of-way line of Interstate 285 in a northerly direction for approximately nine hundred and eighty (980) feet to a point where the eastern right-of-way line of Interstate 285 intersects the existing corporate limit line of the City of Clarkston; Then, following the corporate limit line of the City of Clarkston in a easternly direction for approximately one hundred and twenty (120) feet, then in a northerly direction for approximately two thousand (2,000) feet, then in an easterly direction for approximately seven hundred and fifty (750) feet to a point approximately two hundred fifty (250) feet north of the intersection of Casa Drive and Casa Woods Lane, this point being the point of beginning."

SECTION 1-2.

Provided that the City of Clarkston conducts a referendum on and the electors approve a freeport exemption at the 2014 general primary, the election superintendent of DeKalb County shall call and conduct an election as provided in this section for the purpose of submitting this part to the electors of the territory sought to be annexed into the City of Clarkston under this part for approval or rejection. If the City of Clarkston does not conduct a referendum on a freeport exemption at the 2014 general primary or if such referendum fails, then no election shall be held to approve this part and this part shall be repealed by operation of law on July 1, 2014. The election superintendent shall conduct such election in conjunction with the 2014 general primary and shall issue the call and conduct such election as provided by general law. The election superintendent shall

cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall Part One of the Act which annexes certain land into the City of
( ) NO Clarkston be approved?"

All persons desiring to vote for approval of the annexation shall vote "Yes," and all persons desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the votes cast on such question are for approval of the annexation, then this part shall become effective on January 1, 2015. If more than one-half of the votes cast on such question are for rejection of the annexation, this part shall not become effective and shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by the City of Clarkston. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

PART TWO
SECTION 2-1.

An Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, is amended by designating the existing text in Section 1.02 as subsection (a) and adding a new subsection to read as follows:

"(b) In addition to all other territory included within the boundaries of the city, the city shall also include the following described real property:

Beginning at a point where the existing corporate limit line of the City of Clarkston intersects with the eastern right-of-way line of Montreal Road and the southern right-of-way line of Stone Mountain Highway (also known as U.S. Highway 78); Then, crossing Stone Mountain Highway to a point where the northern right-of-way line of Stone Mountain Highway meets the eastern right-of-way line of Montreal Road; Then, following the northern right-of-way line of Stone Mountain Highway in an easterly direction to a point approximately two thousand five hundred (2,500) feet east of Brockett Road; Then, crossing the Stone Mountain Highway right-of-way and following a line consistent with boundary lines of adjacent parcels in a southerly direction to a point along the northern right-of-way line of E. Ponce de Leon Avenue approximately eight hundred (800) feet west of the intersection of Idlewood Road and East Ponce de Leon Avenue; Then, following the northern right-of-way line of E. Ponce de Leon Avenue in a westerly direction to a point approximately two hundred sixty (260) feet west of the intersection of E. Ponce de Leon Avenue and Brockett Road; Then, following a line consistent with the boundary lines of adjacent parcels due south to a point where said line intersects the existing corporate limit line of the City of Clarkston; Then, following the existing corporate limit line of the City of Clarkston in a westerly direction to a point where it intersects the right-of-way line of Montreal Road, this point being the point of beginning."

SECTION 2-2.

The election superintendent of DeKalb County shall call and conduct an election as provided in this section for the purpose of submitting this part to the electors of the territory sought to be annexed into the City of Clarkston under this part for approval or rejection. The election superintendent shall conduct such election in conjunction with the 2014 general primary and shall issue the call and conduct such election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall Part Two of the Act which annexes certain land into the City of
( ) NO Clarkston be approved?"

All persons desiring to vote for approval of the annexation shall vote "Yes," and all persons desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the votes cast on such question are for approval of the annexation, then this part shall become effective on January 1, 2015. If more than one-half of the votes cast on such question are for rejection of the annexation, this part shall not become effective and shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by the City of Clarkston. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

PART THREE
SECTION 3-1.

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

HB 1136. By Representatives Jacobs of the 80th, Holcomb of the 81st and Oliver of the 82nd:

A BILL to be entitled an Act to authorize the City of Brookhaven 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 following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To authorize the City of Brookhaven 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The City of Brookhaven shall be and is authorized to exercise all redevelopment and other powers under Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended. The intention of this Act is to authorize the City of Brookhaven to undertake and carry out community redevelopment, to create tax allocation districts, to issue tax allocation bonds, and to incur other obligations within the meaning of and as fully permitted under the provisions of Article IX, Section II, Paragraph VII(b) of the Constitution of the State of Georgia of 1983, as amended, and to authorize the City of Brookhaven to exercise redevelopment powers as fully as the "Redevelopment Powers Law" may now or hereafter permit and not to limit any redevelopment powers permitted under the "Redevelopment Powers Law."

SECTION 2.

The municipal election superintendent of the City of Brookhaven shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Brookhaven for approval or rejection. The municipal election superintendent shall conduct that election on the date of the 2014 November general election and shall issue the call and conduct that election as provided by general law. The municipal election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which authorizes the City of Brookhaven to exercise all redevelopment powers allowed under the 'Redevelopment Powers Law,' as it may be amended from time to time?"
( ) NO

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Section 1 of this Act shall become of full force and effect immediately. If Section 1 of this Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Brookhaven. It shall be the municipal election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, 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.

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

On the agreement to the Senate substitutes, 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
E 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 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
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
Y Gregory
Y Hamilton
Y Harbin
Y Harden
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 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
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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E 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
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
Welch
Weldon
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the agreement to the Senate substitutes, the ayes were 169, nays 0.

The House has agreed to the Senate substitutes.

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

Mr. Speaker:

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

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.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Bethel of the 54th, Ligon of the 3rd, and Cowsert of the 46th.

The Senate adheres to its amendment to House substitute and has appointed a Committee of Conference on the following bill of the Senate:

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Bethel of the 54th, Mullis of the 53rd, and Unterman of the 45th.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

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 President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Gooch of the 51st, and Hill of the 32nd.

The Senate adheres to its amendment to the House amendment and has appointed a Committee of Conference on the following bill of the Senate:

SB 134. By Senators Carter of the 1st, Millar of the 40th, Hufstetler of the 52nd, Orrock of the 36th and Stone of the 23rd:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled substances, so as to revise the definition of "prescriber"; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Unterman of the 45th, Carter of the 1st, and Balfour of the 9th.

Mr. Speaker:

The Senate has disagreed to the House amendment to the Senate Substitute following bill of the House:

HB 264. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to extensively revise such Act; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 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 Senate has disagreed to the House amendment to the Senate Substitute to the following bill of the House:

HB 265. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the House:

HB 786. By Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Harper of the 7th, Jeffares of the 17th, and Tolleson of the 20th.

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

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 member was recognized during the period of Evening Orders and addressed the House:

Representative Holt of the 112th.

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

HB 264. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to extensively revise such Act; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Representative Jacobs of the 80th moved that the House insist on its position in amending the Senate substitute to HB 264 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Jacobs of the 80th, Jones of the 47th and Riley of the 50th.

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.

Representative Brockway of the 102nd moved that the House adhere to its position in insisting on its substitute to SB 374 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Brockway of the 102nd, Fleming of the 121st and O`Neal of the 146th.

HB 265. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Representative Jacobs of the 80th moved that the House insist on its position in amending the Senate substitute to HB 265 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Jacobs of the 80th, Jones of the 47th and Riley of the 50th.

HB 840. By Representatives Golick of the 40th, Smith of the 134th, Maxwell of the 17th and Shaw of the 176th:

A BILL to be entitled an Act to amend Code Section 33-2-24 of the Official Code of Georgia Annotated, relating to the Commissioner's enforcement of the title rules, regulations, and orders, issuance of orders without hearings, civil actions, criminal violations, and penalties relative to insurance, so as to clarify persons under the authority of the Commissioner and subject to penalties under Title 33; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 33-2-24 of the Official Code of Georgia Annotated, relating to the Commissioner's enforcement of the title rules, regulations, and orders, issuance of orders without hearings, civil actions, criminal violations, and penalties relative to insurance, so as to clarify persons under the authority of the Commissioner and subject to penalties under Title 33; 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 33-2-24 of the Official Code of Georgia Annotated, relating to Commissioner's enforcement of the title rules, regulations, and orders, issuance of orders without hearings, civil actions, criminal violations, and penalties relative to insurance, is amended by revising paragraph (g) to read as follows:

"(g) In addition to all other penalties provided for under this title, the Commissioner shall have the authority:

(1) To ~~to~~ place any ~~insurer, agent, broker, counselor, solicitor, administrator, or adjuster~~ person duly licensed under this title on probation for a period of time not to exceed one year for each and every act in violation of this title or of the rules, ~~and~~ regulations, or orders of the Commissioner; and ~~may~~

(2) To subject ~~such insurer, agent, broker, counselor, solicitor, administrator, or adjuster~~ any person duly licensed or that should be licensed under this title to a monetary penalty of up to $2,000.00 for each and every act in violation of this title or of the rules, regulations, or orders of the Commissioner, unless ~~the insurer, agent, broker, counselor, solicitor, administrator, or adjuster~~ such person knew or reasonably should have known he or she was in violation of this title or of the rules, ~~and~~ regulations, or orders of the Commissioner, in which case the monetary penalty

provided for in this ~~subsection~~ paragraph may be increased to an amount up to $5,000.00 for each and every act in violation."

SECTION 2.

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

Representative Golick of the 40th moved that the House agree to the Senate substitute to HB 840.

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

Y Abrams	Y Coomer	Y Gregory	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Hamilton	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
E Battles	Y Dickson	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	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	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	Jordan	Y Ramsey	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	E 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	Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E 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 motion, the ayes were 169, nays 0.

The motion prevailed.

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

Mr. Speaker:

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

HB 511. By Representatives Dempsey of the 13th, Watson of the 166th, Cooper of the 43rd, Sims of the 123rd, Clark of the 101st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to provide for a pilot program to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions; to provide for eligibility; to provide for requirements; to provide for a review panel; to provide for an evaluation report on the pilot program; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 134. By Senators Carter of the 1st, Millar of the 40th, Hufstetler of the 52nd, Orrock of the 36th and Stone of the 23rd:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled substances, so as to revise the definition of "prescriber"; to repeal conflicting laws; and for other purposes.

Representative Weldon of the 3rd moved that the House adhere to its position in disagreeing to the Senate amendment to the House amendment to SB 134 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Weldon of the 3rd, Peake of the 141st and Stephens of the 164th.

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for setoff debt collection against state income tax refunds for debts owed to courts; to provide for a revision of setoff debt collection policies and systems relating to state income tax refunds; 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.

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 Article 7 of Chapter 7, relating to setoff debt collection, as follows:

"ARTICLE 7

48-7-160.

The purpose of this article is to establish a policy and to provide a system whereby all claimant agencies <u>and courts</u> of this state in conjunction with the department shall cooperate in identifying debtors who owe money to the state through its various claimant agencies <u>or courts</u> and who qualify for refunds from the department. It is also the purpose of this article to establish procedures for setting off against any such refund the sum of any debt owed to the ~~state~~ <u>claimant agencies or courts</u>. It is the intent of the General Assembly that this article be liberally construed to effectuate these purposes.

48-7-161.

As used in this article, the term:

(1) 'Claimant agency' means and includes, in the order of priority set forth below:

(A) The Department of Human Services and the Department of Behavioral Health and Developmental Disabilities with respect to collection of debts under Article 1 of Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

(B) The Georgia Student Finance Authority with respect to the collection of debts arising under Part 3 of Article 7 of Chapter 3 of Title 20;

(C) The Georgia Higher Education Assistance Corporation with respect to the collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

(D) The Georgia Board for Physician Workforce with respect to the collection of debts arising under Part 6 of Article 7 of Chapter 3 of Title 20;

(E) The Department of Labor with respect to the collection of debts arising under Code Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the Department of Labor establishes that the debtor has been afforded required due process rights by such Department of Labor with respect to the debt and all reasonable collection efforts have been exhausted;

(F) The Department of Corrections with respect to probation fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence imposed on a person convicted of a crime who is in the legal custody of the department;

(G) The State Board of Pardons and Paroles with respect to restitution imposed on a person convicted of a crime and subject to the jurisdiction of the board; and

(H) The Department of Juvenile Justice with respect to restitution imposed on a juvenile for a delinquent act which would constitute a crime if committed by an adult.

(2) 'Court' means all trial courts in this state, including but not limited to the superior, state, juvenile, magistrate, probate, and municipal courts, whether called mayor's courts, recorder's courts, police courts, civil courts, or traffic courts, and miscellaneous and special courts.

~~(2)~~(3) 'Debt' means:

(A) Any ~~any~~ liquidated sum due and owing any claimant agency, which sum has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for the sum, any sum which is due and owing any person and is enforceable by the Department of Human Services pursuant to subsection (b) of Code Section 19-11-8, or any sum of restitution or reparation due pursuant to a sentence imposed on a person convicted of a crime and sentenced to restitution or reparation and probation; or

(B) Any liquidated sum that constitutes any and all court costs, surcharges, and fines for which there is an outstanding court judgment.

~~(3)~~(4) 'Debtor' means any individual owing money to or having a delinquent account with any claimant agency or court, which obligation has not been adjudicated as satisfied by court order, set aside by court order, or discharged in bankruptcy.
~~(4)~~(5) 'Refund' means the Georgia income tax refund which the department determines to be due any individual taxpayer.

48-7-162.
The collection remedy authorized by this article is in addition to and not in substitution for any other remedy available by law.

48-7-162.1.
(a) Submission of debts through the Administrative Office of the Courts shall be the sole manner through which debts owed to courts may be submitted to the department for collection under this article.
(b) Any claim submitted by a court through the Administrative Office of the Courts shall be subordinate to all claims submitted by claimant agencies.

48-7-163.
(a) A claimant agency or the Administrative Office of the Courts may submit any debt or debts when each such debt is in excess of $25.00 ~~owed in accordance with Code Section 48-7-161~~ to the department for collection through setoff under the ~~procedure~~ procedures established by this article, except in cases where the validity of the debt is legitimately in dispute, an alternate means of collection is pending and believed to be adequate, or such collection would result in a loss of federal funds or federal assistance.
(b) Upon request of a claimant agency or the Administrative Office of the Courts, the department shall set off any refund ~~as defined in Code Section 48-7-161~~ against the debt certified by the claimant agency or the Administrative Office of the Courts as provided in this article.
(c) An administrative collection assistance fee shall be imposed on each such debt submitted by the Administrative Office of the Courts to the department to recover the costs incurred by the Administrative Office of the Courts and the department in collecting debts under this article. The fee shall be in addition to the debt to be set off and shall be fixed such that the proceeds of the fee shall not exceed the total direct and indirect costs to the Administrative Office of the Courts and the department for administering such debt setoff collection. In no event shall the amount of such fee exceed $20.00 per debt. The Administrative Office of the Courts shall reimburse the department from the proceeds of such fee based upon the actual costs incurred by the department. Such proceeds shall be retained and expended pursuant to Code Section 45-12-92.1.

48-7-164.
(a)(1) Within a time frame specified by the department, a claimant agency seeking to collect a debt through setoff shall supply the information necessary to identify each

debtor whose refund is sought to be set off, including but not limited to such debtor's social security number, and shall certify the amount of the debt or debts owed by each debtor.

(2) The Administrative Office of the Courts shall supply the information necessary to identify each debtor whose refund is sought to be set off, including but not limited to such debtor's social security number, and shall certify the amount of the debt or debts owed by each debtor.

(3) The department may rely upon the certification by a claimant agency or the Administrative Office of the Courts that the debt is valid and owed by the debtor and that such debt may be validly collected by the department under this article. No employee or agent of the department shall be liable to any person for collecting any such debt that was not valid and owed by the debtor.

(b)(1) If a debtor identified by a claimant agency or the Administrative Office of the Courts is determined by the department to be entitled to a refund of at least $25.00, the department shall transfer an amount equal to the refund owed, not to exceed the amount of the claimed debt certified, to the claimant agency or the Administrative Office of the Courts. When the refund owed exceeds the claimed debt and administrative collection assistance fee, the department shall send the excess amount to the debtor within a reasonable time after the excess is determined.

(2) When the amount of the setoff available for claims is insufficient for the combined total of the claims filed by courts, distribution of the available setoff funds shall be made in the order of the date each court claim is received by the Administrative Office of the Courts. Such claim shall remain active until sufficient additional setoff funds become available to set off the remainder of the debt or until the claims themselves expire by law.

(3) If the department is able to collect only part of a debt through setoff under this article, the administrative collection assistance fees shall have priority over the remainder of the debt.

(c) At the time of the transfer of funds to a claimant agency or the Administrative Office of the Courts pursuant to ~~subsection (b) of~~ this Code section, the department shall notify the taxpayer or taxpayers whose refund is sought to be set off and the claimant agency or the Administrative Office of the Courts that the transfer has been made. The notice shall clearly set forth the name of the debtor, the manner in which the debt arose, the amount of the claimed debt, the transfer of funds to the claimant agency or the Administrative Office of the Courts pursuant to ~~subsection (b) of~~ this Code section and the intention to set off the refund against the debt, the amount of the refund in excess of the claimed debt, the taxpayer's opportunity to give written notice to contest the setoff within 30 days of the date of mailing of the notice, the name and mailing address of the claimant agency or the Administrative Office of the Courts to which the application for a hearing must be sent, and the fact that failure to apply for a hearing in writing within the 30 day period will be deemed a waiver of the opportunity to contest the setoff. In the case of a joint return, the notice shall also state the name of any taxpayer named in the return against whom no debt is claimed, the fact that a debt

is not claimed against such taxpayer, the fact that such taxpayer is entitled to receive a refund if it is due him or her regardless of the debt asserted against his or her spouse, and that in order to obtain a refund due him or her such taxpayer must apply in writing for a hearing with the claimant agency or the Administrative Office of the Courts named in the notice within 30 days of the date of the mailing of the notice. If a taxpayer fails to apply in writing for a hearing within 30 days of the mailing of the notice, he or she will have waived his or her opportunity to contest the setoff.

(d) Upon receipt of funds transferred from the department pursuant to ~~subsection (b) of~~ this Code section, the claimant agency or the Administrative Office of the Courts shall deposit and hold the funds in an escrow account until a final determination of the validity of the debt. Any interest accruing on proceeds in such escrow account shall not constitute any part of the setoff funds being held in escrow and shall be retained by the claimant agency or the Administrative Office of the Courts to cover administrative costs.

(e) The claimant agency shall pay the department for all costs incurred by the department in setting off debts in the manner provided in this article.

48-7-165.

(a)(1) If the claimant agency receives written application contesting the setoff or the sum upon which the setoff is based, it shall grant a hearing to the taxpayer to determine whether the setoff is proper or the sum is valid according to the procedures established under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' If the sum asserted as due and owing is not correct, an adjustment of the claimed debt shall be made.

(2) A request for a hearing pursuant to the Internal Revenue Code to contest the collection of past-due support may be consolidated with a request for a hearing under paragraph (1) of this subsection. If the sum asserted as due and owing is not correct, an adjustment of the claimed debt shall be made.

(b) The hearing established by subsection (a) of this Code section shall be in lieu of a hearing before the department to determine the validity of the debt or the propriety of the setoff.

(c) No issues which have been previously litigated shall be considered at the hearing.

(d) Appeals from actions taken at the hearing allowed under this Code section shall be in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

48-7-165.1.

(a)(1) Except as otherwise provided in subsection (d) of this Code section, if the Administrative Office of the Courts receives written notice from the debtor contesting the setoff or the sum upon which the setoff is based within 30 days of the debtor being notified of the debt setoff, the Administrative Office of the Courts shall notify the court to whom the debt is owed that the sum due and owing shall not be disbursed pursuant to this article until the court to whom the debt is owed has granted a hearing to the debtor and obtained a final determination on the debt under this Code section

and provided evidence of such final determination to the Administrative Office of the Courts. Such sum due and owing shall not be disbursed to the debtor or the court to whom the debt is owed prior to such final determination.

(2) The hearing required under this Code section shall be conducted after notice of such hearing is provided to the debtor by certified mail or personal service. When personal service is utilized, such personal service shall be made by the officers of the court designated by the judges of that court or any other officers authorized by law to serve process.

(b)(1) The officers of the court designated by the judges of that court submitting debts to the Administrative Office of the Courts shall appoint a hearing officer for the purpose of conducting hearings under this Code section. The officers of the court shall adopt appropriate procedures to govern the conducting of hearings by the hearing officer. A written or electronic copy of such procedures shall be provided to a debtor immediately upon the receipt of notice from a debtor under subsection (a) of this Code section.

(2) Issues that have been previously litigated shall not be considered at a hearing. The hearing officer shall determine whether the debt is owed to the court and the amount of the debt. Such determination shall be in writing and shall be provided to the debtor and the Administrative Office of the Courts within five days after the date the hearing is conducted.

(3) If the debtor or the court disagrees with the determination of the hearing officer, either party may appeal that determination by filing a petition in the superior court not later than ten days following the date of the hearing officer's written determination. The superior court judge shall conduct a hearing and shall render a final determination in writing and shall transmit a copy to the hearing officer, the debtor, and the Administrative Office of the Courts not later than ten days after the date of that hearing.

(4) The losing party to such proceeding as provided for in paragraph (3) of this subsection shall pay any filing fees and costs of service, except that the officers of the court designated by the judges of that court shall be authorized to waive such fees and costs. The court submitting the debt to the Administrative Office of the Courts shall be responsible for attorneys' fees of the debtor who is contesting the setoff in cases where the superior court finds in favor of the debtor.

(c) If a court submits a debt for collection under this article following final determination of the debt in accordance with this Code section and the Administrative Office of the Courts is notified by the department that no refund proceeds are available or sufficient for setoff of the entire debt, such claim shall remain valid until sufficient refund proceeds are available for setoff as provided in subsection (b) of Code Section 48-7-164 and are not subject to further appeal.

48-7-166.

(a)(1) Upon final determination of the amount of the debt due and owing by means of the hearing provided by Code Section 48-7-165 or by the taxpayer's default through

failure to comply with subsection (c) of Code Section 48-7-164, the claimant agency shall remove the amount of the debt due and owing from the escrow account established pursuant to Code Section 48-7-164 and shall credit the amount to the debtor's obligation.

(2) Upon final determination of the amount of the debt due and owing as provided by Code Section 48-7-165.1, or by the taxpayer's default through failure to comply with subsection (c) of Code Section 48-7-164, the Administrative Office of the Courts shall remove the amount of the debt due and owing from the escrow account established pursuant to Code Section 48-7-164 and shall credit the amount to the debtor's obligation.

(b) Upon transfer of the debt due and owing from the escrow account to the credit of the debtor's account, the claimant agency or the Administrative Office of the Courts shall notify the debtor in writing of the finalization of the setoff. The department shall prepare a notice for use by the claimant agency or the Administrative Office of the Courts. Such notice shall include a final accounting of the refund which was set off, including the amount of the refund to which the debtor was entitled prior to setoff, the amount of the debt due and owing, the amount of the refund in excess of the debt which has been returned to the debtor by the department pursuant to ~~subsection (b) of~~ Code Section 48-7-164, and the amount of the funds transferred to the claimant agency or the Administrative Office of the Courts pursuant to Code Section 48-7-164 in excess of the debt finally determined to be due and owing at a hearing held pursuant to Code Section 48-7-165 or 48-7-165.1, if such a hearing was held or the amount of the funds transferred to the Administrative Office of the Courts pursuant to Code Section 48-7-164 is in excess of the debt finally determined to be due and owing pursuant to Code Section 48-7-165.1 as determined in the filing of an appeal. At such time, the claimant agency or the Administrative Office of the Courts shall refund to the debtor the amount of the claimed debt originally certified and transferred to it by the department in excess of the amount of debt finally found to be due and owing.

(c) Following finalization of the setoff pursuant to subsection (b) of this Code section, the Administrative Office of the Courts shall transfer the funds to the court. Any funds so transferred by the Administrative Office of the Courts shall be disbursed by the court in the same manner as if such funds had been originally collected by such court without having resorted to collection under this article.

48-7-167.

When the setoff authorized by this article is exercised, the refund which is set off shall be deemed granted.

48-7-168.

The department has priority pursuant to subsection (c) of Code Section 48-2-35 over every claimant agency and the Administrative Office of the Courts for collection by setoff under this article.

48-7-169.
The commissioner is authorized to prescribe forms and to promulgate rules and regulations which he or she deems necessary in order to effectuate this article.

48-7-170.
(a) Notwithstanding Code Section 48-7-60, which prohibits disclosure by the department of the contents of taxpayer records or information, and notwithstanding any other confidentiality statute, the commissioner may provide to a claimant agency or the Administrative Office of the Courts all information necessary to accomplish and effectuate the intent of this article.
(b) The information obtained by a claimant agency or the Administrative Office of the Courts from the department in accordance with this article shall retain its confidentiality and shall only be used by a claimant agency or the Administrative Office of the Courts in the pursuit of its debt collection duties and practices. Any employee or prior employee of any claimant agency or the Administrative Office of the Courts who unlawfully discloses any such information for any other purpose, except as otherwise specifically authorized by law, shall be subject to the same penalties specified by law for unauthorized disclosure of confidential information by an agent or employee of the department."

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 following amendment was read and adopted:

Representative Fleming of the 121st et al. offer the following amendment:

Amend the Senate committee substitute to HB 1000 (LC 41 0242S) by inserting between lines 21 and 22 the following:
(.1) 'Administrative Office of the Courts' means entity created pursuant to Code Section 15-5-22.

By inserting after the period on line 70 the following:
The Administrative Office of the Courts shall be authorized to enter into written contracts for the performance of administrative functions and duties under this article by one or more administrative entities consisting of nonprofit Georgia corporations, except for a public utility, in existence on or before January 1, 2012, whose income is exempt from federal income taxation pursuant to Section 115 of the Internet Revenue Code of 1986, or third party vendors approved by the department.

Representative Fleming of the 121st moved that the House agree to the Senate substitute, as amended by the House, to HB 1000.

On the motion, 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	Y Moore	Y Smith, R
Y Ballinger	Y Dickerson	Y Hatchett	Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Morris	Y Spencer
E 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	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	E 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
Chandler	Y Gardner	N Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E Rutledge	Y Willard
Y Chapman	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	Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 167, nays 2.

The motion prevailed.

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

Mr. Speaker:

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

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

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

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

HB 897. By Representatives Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to repeal a population act provision; to provide for revision of the terms of a flexibility contract under certain circumstances; to revise provisions relating to state required content standards; to include America's founding philosophy and founding principles in content standards and assessments; to provide for legislative findings; to provide for a short title; to provide for curriculum content and teacher training; to provide for applicability; to remove the middle grades program; to revise provisions relating to contracts by the State School Superintendent; to revise a process for student requests for waivers and variances of state requirements; to revise provisions relating to state required assessments; to revise provisions relating to the honors program; to revise provisions relating to courses taken through the Georgia Virtual School; to revise provisions relating to virtual instruction opportunities provided by local school

systems; to repeal an obsolete provision relating to acquiring digital learning; to revise a provision relating to home study reporting; to revise provisions relating to nonrenewal of a teacher's contract; to revise provisions relating to health insurance for public school teachers and employees; to revise provisions relating to appeals to the State Board of Education; to revise provisions relating to state charter schools; to authorize the State Charter Schools Commission to establish nonprofit foundations; to amend Code Section 1-4-3 of the Official Code of Georgia Annotated, relating to American History Month, so as to declare September of each year to be Georgians of Great Character Month; to provide for effective dates; 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 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by repealing subsection (d) of Code Section 20-2-51, relating to election of local board of education members, persons ineligible to be members or superintendent, ineligibility for local boards of education, and ineligibility for other elective offices, and designating said subsection as reserved.

SECTION 1A.

Said chapter is further amended by revising Code Section 20-2-83, relating to state board approval of local school board flexibility contracts, as follows:

"20-2-83.

(a) Upon approval of a proposed contract of a local school system which has requested flexibility, the state board shall enter into such contract with the local board of education.

(b) The terms of the contract shall include, but not be limited to, accountability, flexibility, and consequences components as negotiated pursuant to subsection (a) of Code Section 20-2-82 and in accordance with Code Section 20-2-84.

(c) Each contract shall be for a term of five years. The terms of the contract may provide for automatic extension of such contract if a local school system has met its accountability requirements.

(d) The terms of a contract, including the performance goals and the consequences, may be amended during the term of the contract only:

(1) If ~~if~~ warranted due to unforeseen circumstances and upon approval of the state board and the local board of education; or

(2) If the state board has revised any state accountability or performance measures subsequent to entering into such contract.

(e) Any school system subject to a contract under this article as of July 1, 2013, shall have the right to renegotiate the terms of such contract using the state board approved accountability and performance measures in effect as of July 1, 2014, without penalty or consequence to any existing schools in order to comply with the deadline established

in subsection (b) of Code Section 20-2-84.3. The state board may add up to one year to any such contract in effect on July 1, 2013, for the purpose of contract renegotiations as provided in this subsection."

SECTION 2.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-131, relating to objectives and purposes of the Quality Basic Education Program, as follows:

"(1) Implementing a ~~quality basic education~~ highly rigorous curriculum to encompass content standards in public schools state wide which ensures that each student is provided ample opportunity to develop competencies necessary for lifelong learning as well as the competencies needed to maintain good physical and mental health, to participate actively in the governing process and community activities, to protect the environment and conserve public and private resources, and to be an effective worker and responsible citizen of high character;"

SECTION 3.

Said chapter is further amended by revising Code Section 20-2-140, relating to the State Board of Education establishing competencies and a uniformly sequenced core curriculum and college and career readiness competency standards, as follows:

"20-2-140.

(a) The State Board of Education shall establish ~~competencies~~ uniformly sequenced content standards that each student is expected to master prior to completion of the student's public school education. ~~The state board shall also establish competencies for which each student should be provided opportunities, at the discretion of the student and the student's parents, to master. Based upon these foregoing competencies, the~~ The state board shall adopt ~~a uniformly sequenced core curriculum~~ content standards for ~~grades~~ students in kindergarten through grade 12. Each local unit of administration ~~shall include this uniformly sequenced core curriculum as the basis for its own curriculum, although each local unit may sequence, expand, and enrich this curriculum~~ may expand and enrich the content standards to the extent it deems necessary and appropriate for its students and communities. Each local school system shall adopt its own curriculum which shall include appropriate instruction in the content standards.

(b) The State Board of Education, working with the Board of Regents of the University System of Georgia and the State Board of the Technical College System of Georgia, shall establish college and career readiness ~~competency~~ standards to demonstrate competency in reading, writing, and mathematics aligned with the ~~core curriculum~~ content standards adopted by the state board pursuant to subsection (a) of this Code section with the level of performance necessary to meet college-readiness standards in the state's technical colleges, community colleges, state colleges, and universities and in other advanced training programs.

(c) The State Board of the Technical College System of Georgia shall require its institutions to accept core ~~curriculum~~ coursework completed by high school students

for purposes of admission into its institutions. ~~This Code section shall apply beginning with students entering such postsecondary institutions in the fall of 2013.~~"

SECTION 4.

Said chapter is further amended by revising Code Section 20-2-140.1, relating to online learning, as follows:

"20-2-140.1.

The State Board of Education shall establish rules and regulations to maximize the number of students, beginning with students entering ninth grade in the 2014-2015 school year, who complete prior to graduation at least one course containing online learning. This shall be met through an online course offered by the Georgia Virtual School established pursuant to Code Section 20-2-319.1, through the clearing-house established pursuant to Code Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary institution, or through a provider ~~approved~~ pursuant to ~~subsection (c) of~~ Code Section 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction program pursuant to Code Section 20-2-319.4."

SECTION 5.

Reserved.

SECTION 6.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-142, relating to prescribed courses, as follows:

"(a)(1) All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner and at the grade level prescribed by the State Board of Education ~~in its quality core curriculum~~:

(A) A course of study in the background, history, and development of the federal and state governments and a study of Georgia county and municipal governments; and

(B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals which shall include a study of the Pledge of Allegiance to the flag of the United States and the Georgia flag in addition to other institutions and ideals.

(2) No student shall be eligible to receive a diploma from a high school unless such student has successfully completed the courses in history and government provided for by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For students moving to Georgia and unable to take the course or courses available to fulfill these requirements in the grade level in which such course or courses are ordinarily offered, the State Board of Education may develop alternative methods, which may include but shall not be limited to an on-line course of study, for such students to learn about and demonstrate an adequate understanding of federal or Georgia history and government.

(3) Disabled students who are otherwise eligible for a special education diploma pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if they have not successfully completed either or both of these courses; provided, however, that their Individualized Education Programs have not specified that the disabled students must enroll in and successfully complete both of these courses.

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year in which such course or courses are ordinarily offered. The State Board of Education is authorized to provide for exemptions to the required course of study for such students and for students whose parent or parents serve in the armed forces of the United States."

SECTION 6A.

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

"20-2-142.1.

(a) The General Assembly finds that the survival of the Republic requires that the nation's children, who are the future guardians of its heritage and participants in its governance, have a clear understanding of the founding philosophy and the founding principles of our government, which are found in the Declaration of Independence, the United States Constitution, the Federalist Papers, and the writings of the founders, and an understanding of the preservation of such founding philosophy, principles, and documents.

(b) This Code section shall be known and may be cited as the 'America's Founding Philosophy and Principles Act.'

(c) The State Board of Education shall ensure that any new content standards adopted on and after July 1, 2014, pursuant to Code Section 20-2-141 for 18 week semester courses for students during their ninth through twelfth grade years and all new assessments aligned with such content standards take into consideration the following:

(1) America's founding philosophy, to include at least the following:

(A) The Creator-endowed unalienable rights of the people;

(B) The purpose of government, which is to protect the unalienable rights of the people and to protect the people from violence and fraud;

(C) The structure of government, separation of powers, and checks and balances; and

(D) The rule of law, with frequent and free elections in a representative government which governs by majority vote within a constitutional framework;

(2) America's founding principles, to include at least the following:

(A) Federalism-government as close to the people as possible, limited federal government, and strong state and local government;

(B) Freedoms of speech, press, religion, and peaceful assembly guaranteed by the Bill of Rights;

(C) Rights to private property and freedom of individual enterprise;

(D) The innocence of any crime until proven guilty, with right of habeas corpus, and no unreasonable searches, seizures, or cruel and unusual punishment;
(E) The right to a speedy trial by a jury of peers, and grand jury indictment of capital crimes before a person can be held to account;
(F) The principles of economy in spending, constitutional limitations on government power to tax and spend, and prompt payment of public debt;
(G) Economic system of money with intrinsic value;
(H) The right of people to keep and bear arms, strong defense capability, supremacy of civil authority over military;
(I) Peace, commerce, and honest friendship with all nations, entangling alliances with none;
(J) Eternal vigilance by 'We the People'; and
(K) Founding documents including Declaration of Independence, the United States Constitution, and the Federalist Papers; and
(3) Transformational movements in American history, to include at least the following:
(A) The antislavery movement;
(B) The Civil Rights movement;
(C) Women's suffrage;
(D) The contributions of immigrants to American society; and
(E) The challenges and history of the Native American population.
(d) The Department of Education and local boards of education, as appropriate, may provide, or cause to be provided, curriculum content which reflects the content standards addressed pursuant to subsection (c) of this Code section and the teacher training to ensure that the intent and provisions of this Code section are implemented.
(e) This Code section shall apply beginning in school year 2015-2016."

SECTION 7.

Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection (b) of Code Section 20-2-151, relating to general and career education programs, as follows:

"(a) The primary purpose for the general and career education programs is to provide the children and youth of Georgia with a quality opportunity to master ~~student competencies~~ uniformly sequenced content standards adopted by the State Board of Education ~~through instruction which is based upon the uniformly sequenced core curriculum~~."

"(2) It is the policy of this state that the purpose of the primary grades program shall be mastery by enrolled students of the essential basic skills and knowledge which will enable them to achieve more advanced skills and knowledge offered at the higher grade levels. For purposes of funding under this article, the primary grades program shall include grades one, two, and three. To be eligible for enrollment in the first grade of a state supported primary grades program, a child must attain the age of six by September 1, except as otherwise provided by subsection (b) of Code Section 20-

2-150. The State Board of Education shall adopt an instrument or instruments, procedures, and policies necessary to assess the first grade readiness of children enrolled in Georgia's public school kindergarten programs pursuant to Code Section 20-2-281. Readiness information obtained by the instrument or instruments adopted by the state board shall be used by local school systems in concert with teacher recommendations and other relevant information to make appropriate student grade placement decisions. The Department of Education shall develop guidelines for utilization of the instrument or instruments in grade placement decisions and shall provide such guidelines to local school systems. The guidelines shall include information pertinent to consideration of the placement of students who have been identified as being disabled or limited-English-proficient. Whenever the decision is made not to promote a child to the first grade, the local school system shall document the reasons for the decision not to promote, according to guidelines established by the board. The State School Superintendent ~~shall~~ may annually provide a report summarizing the results of the readiness of first grade Georgia public school kindergarten children. No student shall remain in kindergarten for more than two years;"

SECTION 8.

Said chapter is further amended by revising subsections (a) and (h) of Code Section 20-2-154.1, relating to alternative education programs, as follows:

"(a) It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the ~~quality core curriculum~~ content standards and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. Course credit shall be earned in an alternative education program in the same manner as in other education programs. It is the policy of this state that it is preferable to reassign disruptive students to an alternative education program rather than suspending or expelling such students from school."

"(h) ~~For the 2000-2001 and 2001-2002 school years, state funding of alternative education programs shall be based upon a full-time equivalent program count that equals 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). For the 2002-2003 school year and thereafter, the~~ The amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle grades program, the~~ middle school program ~~as defined in Code Section 20-2-290~~, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory

program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12."

SECTION 9.

Said chapter is further amended by revising Code Section 20-2-159.1, relating to focused programs of study, as follows:

"20-2-159.1.

No later than July 1, 2013, the Department of Education shall develop, and the State Board of Education shall approve, state models and ~~curriculum framework~~ content standards for the following focused programs of study, as defined in Code Section 20-2-326, including, but not limited to:

(1) Agriculture, food, and natural resources;
(2) Architecture and construction;
(3) Arts, audio-video technology, and communications;
(4) Business, management, and administration;
(5) Education and training;
(6) Finance;
(7) Health science;
(8) Hospitality and tourism;
(9) Human services;
(10) Information technology;
(11) Law, public safety, and security;
(12) Manufacturing;
(13) Government and public administration;
(14) Marketing, sales, and service;
(15) Science, technology, engineering, and mathematics; and
(16) Transportation, distribution, and logistics.

Such focused programs of study may be combined around these and other related clusters."

SECTION 10.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-159.2, relating to coordination between high schools and postsecondary institutions to minimize the need for remedial course work for students in postsecondary institutions, as follows:

"(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master the content standards established pursuant to Code Section 20-2-140 will meet the requirements for purposes of admission into a postsecondary institution, such as grade point average and readiness levels in reading, writing, and mathematics, without having to take remedial coursework. Such policies shall:

(A) Establish the benchmarks for college readiness and the method in which students can demonstrate readiness in reading, writing, and mathematics for postsecondary coursework upon completing the ~~core curriculum~~ content standards; and

(B) Set the conditions for ensuring college readiness;"

SECTION 11.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-159.3, relating to academic core standards to be embedded in career, technical, and agricultural education courses, as follows:

"(a) The ~~competencies and curricula~~ content standards established for career, technical, and agricultural education courses pursuant to Code Section 20-2-140 shall include embedded standards in academic core subject areas, as appropriate. In establishing such ~~competencies and curricula~~ content standards, the state board shall work to ensure that the coursework meets postsecondary requirements for acceptance of credit for such coursework at the postsecondary level. Such courses shall be taught by a highly qualified teacher in the academic content and trained or experienced in contextualized learning using project based methods; by a highly qualified career, technical, and agricultural education teacher who has completed a state-approved training program to strengthen academic content and has passed a state-approved exam for demonstrating mastery of academic content; or by a team made up of a highly qualified teacher in the academic content and a highly qualified career, technical, and agricultural education teacher working together to teach the course."

SECTION 12.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-160, relating to determination of enrollment by institutional programs, as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career, technical, and agricultural education laboratory program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more ~~student competencies~~ content standards as adopted by the state board under Code

Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 13.

Said chapter is further amended by revising subsections (b) and (b.1) of Code Section 20-2-161, relating to the Quality Basic Education Formula, as follows:

"(b) As the cost of instructional programs varies depending upon the teacher-student ratios and specific services typically required to address the special needs of students enrolled, state authorized instructional programs shall have the following program weights and teacher-student ratios:

(1) Kindergarten program ..... 1.6508 weight and 1 to 15 ratio

(2) Kindergarten early intervention program ..... 2.0348 weight and 1 to 11 ratio

(3) Primary grades program (1-3) ..... 1.2849 weight and 1 to 17 ratio

(4) Primary grades early intervention program (1-3)..... 1.7931 weight and 1 to 11 ratio

(5) Upper elementary grades program (4-5) ..... 1.0355 weight and 1 to 23 ratio

(6) Upper elementary grades early intervention program (4-5)..... 1.7867 weight and 1 to 11 ratio

~~(7) Middle grades program (6-8) ..... 1.0186 weight and 1 to 23 ratio~~

~~(8)~~(7) Middle school program (6-8) ~~as defined in Code Section 20-2-290~~... 1.1310 weight and 1 to 20 ratio

~~(9)~~(8) High school general education program (9-12) ..... 1.0000 weight and 1 to 23 ratio

~~(10)~~(9) Career, technical, and agricultural education laboratory program (9-12)..... 1.1916 weight and 1 to 20 ratio

~~(11)~~(10) Program for persons with disabilities:
Category I..... 2.3798
weight and
1 to 8
ratio

(12)(11) Program for persons with disabilities:
Category II 2.7883
weight and
1 to 6.5
ratio

~~(13)~~(12) Program for persons with disabilities:
Category III 3.5493
weight and
1 to 5
ratio

~~(14)~~(13) Program for persons with disabilities:
Category IV 5.7509
weight and
1 to 3
ratio

~~(15)~~(14) Program for persons with disabilities:
Category V 2.4511
weight and
1 to 8
ratio

~~(16)~~(15) Program for intellectually gifted students:
Category VI..... 1.6589
weight and
1 to 12
ratio

~~(17)~~(16) Remedial education program ..... 1.3087 weight and 1 to 15 ratio

~~(18)~~(17) Alternative education program ..... 1.4711 weight and 1 to 15 ratio

~~(19)~~(18) English for speakers of other languages (ESOL) program ..... 2.5049 weight and 1 to 7 ratio

~~(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school shall have the funding weight included in paragraph (8) of subsection (b) of this Code section for the middle school program, regardless of whether such middle school meets the requirements of Code Section 20-2-290.~~"

SECTION 14.

Said chapter is further amended by revising Code Section 20-2-181, relating to calculation of program weights to reflect base school size, as follows:

"20-2-181.

The calculation of all program weights shall reflect a base size local school system of 3,300 full-time equivalent students. The calculation of program weights for the kindergarten program, the kindergarten early intervention program, the primary grades (1-3) early intervention program, the primary grades (1-3) program, the upper elementary grades (4-5) early intervention program, and the upper elementary grades (4-5) program shall reflect a base school size of 450 full-time equivalent students. The calculation of program weights for the ~~middle grades (6-8) program, the~~ middle school (6-8) program, the special education programs, the remedial education program, and the English for speakers of other languages program shall reflect a base school size of 624 full-time equivalent students. The calculation of ~~the~~ program weights for the high school general education program and the high school career, technical, and agricultural education laboratory program shall reflect a base school size of 970 full-time equivalent students. The calculation of program weights for the alternative education program shall reflect a base school size of 100 full-time equivalent students, except that the calculations for secretaries and media personnel shall reflect a base school size of 624 full-time equivalent students."

SECTION 15.

Said chapter is further amended by revising subsections (b) and (c) and paragraph (1) of subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for payment of salaries and benefits, as follows:

"(b) The program weights for the primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ and middle school programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least the beginning salaries of specialists qualified to teach art, music, foreign language, and physical education, subject to appropriation by the General Assembly.

(c) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ middle school, and alternative education programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for at least one school counselor for every 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program weights for the English for speakers of other languages program and the programs for persons with disabilities shall also earn school counselor funding. Further, beginning in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually gifted students and the remedial education program shall also earn school counselor funding. The duties and responsibilities for such school counselors shall be established by the state board to require a minimum of five of the six full-time equivalent program count segments of the counselor's time to be spent counseling or advising students or parents."

"(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and guardians as to the maximum number of students that may be in their child's classroom in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

(A) Kindergarten program (without full-time aide) 18

(B) Kindergarten program (with full-time aide) 20

(C) Primary grades program (1-3) 21

(D) Upper elementary grades program (4-5) 28

(E) Middle ~~grades program (6-8) and middle~~ school program (6-8) ~~as defined in Code Section 20-2-290~~ 28

For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only, the system average maximum class size for each instructional program covered under this paragraph shall be the same as the maximum individual class size for each such program, and local boards of education shall be considered in compliance with this paragraph so long as the system average maximum class size is not exceeded;

provided, however, that if the State Board of Education approves a blanket waiver or variance pursuant to subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be the system average maximum class sizes for purposes of this paragraph."

SECTION 16.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-184.1, relating to funding for additional days of instruction, as follows:

"(a) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ middle school, and remedial programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for instructors needed to provide 20 additional days of instruction for 10 percent of the full-time equivalent count of the respective program. Such funds shall be used for addressing the academic needs of low-performing students with programs including, but not limited to, instructional opportunities for students beyond the regular school day, Saturday classes, intersession classes, summer school classes, and additional instructional programs during the regular school day. Following the midterm adjustment, the state board shall issue allotment sheets for each local school system. Each local school system shall spend 100 percent of the funds designated for additional days of instruction for such costs at the system level, which may include transportation costs incurred for transporting students who are attending additional classes funded by these designated funds."

SECTION 17.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-190, relating to professional development centered on state-wide strategic initiatives, as follows:

"(a) Subject to appropriations by the General Assembly, the State Board of Education shall provide professional development centered on state-wide strategic initiatives. Such strategic initiatives may include, but are not limited to, training on ~~the new common core curriculum~~ content standards, support for under-performing educators, and mentoring programs in specific subject areas."

SECTION 18.

Reserved.

SECTION 19.

Reserved.

SECTION 20.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-241, relating to the State School Superintendent, as follows:

"(c) The State School Superintendent shall have the authority to enter into contracts for the amount of $50,000.00 or less on behalf of the Department of Education. The State School Superintendent may delegate to the chief financial officer the authority to execute such contracts on behalf of the State School Superintendent."

SECTION 21.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-242, relating to local school systems, local units of administration, and local governing bodies, as follows:

"(1) The instructional programs authorized pursuant to Part 3 of this article and the uniformly sequenced ~~core curriculum~~ content standards authorized pursuant to Part 2 of this article are fully and effectively implemented;"

SECTION 22.

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

"20-2-244.1.

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

(1) 'Student' means a student who is or was enrolled in a public school in this state.

(2) 'Substantial hardship' means a significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the student requesting a variance or waiver.

(3) 'Variance' means a modification granted by the State Board of Education to all or part of the literal requirements of a rule to a person who is subject to the rule.

(4) 'Waiver' means a decision by the State Board of Education not to apply all or part of a rule to a person who is subject to the rule.

(b) Except as provided in subsection (f) of this Code section, the State Board of Education is authorized to grant a variance or waiver to a rule when a student subject to that rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

(c) Except as provided in subsection (f) of this Code section, a student who is subject to regulation by a State Board of Education rule may file a petition with the state board requesting a variance or waiver from the state board's rule. In addition to any other requirements which may be imposed by the state board, each petition shall specify:

(1) The rule from which a variance or waiver is requested;

(2) The type of action requested;

(3) The specific facts of substantial hardship which would justify a variance or waiver for the petitioner, including the alternative standards which the person seeking

the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and

(4) The reason why the variance or waiver requested would serve the purpose of the underlying statute.

(d) The state board shall grant or deny a petition for variance or waiver in writing no later than 60 days after the receipt of the petition. The state board's decision to grant or deny the petition shall be in writing and shall contain a statement of the relevant facts and the reasons supporting the state board's action.

(e) The state board's decision to deny a petition for variance or waiver shall be subject to judicial review in accordance with Code Section 50-13-19. The validity of any variance or waiver which is granted by the state board may be determined in an action for declaratory judgment in accordance with Code Section 50-13-10.

(f) This Code section shall not apply, and no variance or waiver shall be sought or authorized, when a state board rule or regulation has been adopted or promulgated in order to implement or promote a federally delegated program.

(g) An aggregated report of all waivers granted pursuant to this Code section shall be prepared and shall contain a description of the waiver granted, including a detail of the variance from any rule or regulation, but shall not include any identifying information of the student.

(h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with respect to petitions for variances or waivers of rules by students."

SECTION 23.

Reserved.

SECTION 24.

Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section 20-2-270.1, relating to services to member local school systems by regional educational service agencies, as follows:

"(3) Developing and implementing curricula and instruction of the highest quality possible, including implementing the uniformly sequenced ~~core curriculum~~ content standards adopted by the state board;"

SECTION 25.

Said chapter is further amended by revising Code Section 20-2-281, relating to assessment of effectiveness of educational programs, as follows:

"20-2-281.

(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to

available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such assessments. The State Board of Education shall review, revise, and upgrade the ~~quality core curriculum~~ content standards. Following the adoption of ~~this revised curriculum~~ such content standards, the State Board of Education shall contract for development of ~~criterion referenced competency~~ state criterion based tests to measure the ~~quality core curriculum~~ content standards. Such tests in English, ~~and~~ language arts/reading, and~~,~~ mathematics~~, and reading~~ shall be administered annually to students in grades ~~three~~ one through eight and such tests in science and social studies shall be administered annually to students in grades three through eight. These tests shall contain features that allow for comparability to other states with whom establishing such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. ~~A curriculum based assessment shall be administered in grade 11 for graduation purposes.~~ Writing assessments shall be administered to students in grades three, five, eight, and 11 and may be administered in additional grade levels as designated by the State Board of Education. The results of such writing assessments shall ~~provide~~ be provided to students and their parents ~~with performance outcome measures resulting~~ from the administration of such tests.

(b) The nationally normed assessments provided for in subsection (a) of this Code section shall provide students and their parents with grade equivalencies and percentile ranks which result from the administration of such tests. ~~Criterion referenced~~ State criterion based tests ~~and the high school graduation test~~ provided for in subsection (a) of this Code section shall provide for results that reflect student achievement at the individual student, classroom, school, system, ~~and~~ state, and national levels. The State Board of Education shall participate in the National Assessment of Educational Progress (NAEP) and may participate in any other tests that will allow benchmarking this state's performance against national or international performance. The results of such testing shall be provided to the Governor, the General Assembly, and the State Board of Education and shall be reported to the citizens of Georgia. Further, the state board shall adopt a school readiness assessment for students entering first grade and shall administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary supplements as part of a pay for performance or related plan under this article may be assessments of student achievement.

(b.1) The State Board of Education shall notify local school systems and individual schools of the results of the assessment instruments administered under this Code section at the earliest possible date determined by the state board, but not later than the beginning of the subsequent school year. In the event the state board is unable to provide timely results in the first year of implementation of a substantially new

assessment instrument, the provisions in paragraphs (2) and (3) of subsection (b) of Code Section 20-2-283 shall not apply.

(c) The State Board of Education shall have the authority to condition the awarding of a high school diploma to a student upon achievement of satisfactory scores on instruments or tests adopted and administered by the state board pursuant to ~~subsection~~ subsections (a) and (f) of this Code section. The state board is authorized and directed to adopt regulations providing that any disabled child, as defined by the provisions of this article, shall be afforded opportunities to take any test adopted by the state board as a condition for the awarding of a high school diploma. Said regulations shall further provide for appropriate accommodations in the administration of such test. Said regulations shall further provide for the awarding of a special education diploma to any disabled student who is lawfully assigned to a special education program and who does not achieve a passing score on said test or who has not completed all of the requirements for a high school diploma but who has nevertheless completed his or her Individualized Education Program.

(d)(1) The State Board of Education shall develop or adopt alternate assessments to be administered to ~~each student receiving special education services pursuant to Code Section 20-2-152 who does not receive instruction in the essential knowledge and skills identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~ those students with significant cognitive disabilities, receiving special education services pursuant to Code Section 20-2-152, who cannot access the state adopted content standards without appropriate accommodations to those standards and for whom the assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code section, even with allowable ~~modifications~~ accommodations, would not provide an appropriate measure of student achievement, as determined by the student's Individualized Education Program team. ~~A student's Individualized Education Program may serve as an alternate assessment for that student.~~

(2) A student's Individualized Education Program team shall determine appropriate participation in assessment and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(e) The State Board of Education is authorized to adopt rules, regulations, policies, and procedures regarding accommodations and the participation of limited-English-proficient students, as defined in Code Section 20-2-156, in the assessments described in this Code section.

(f) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, the student's Individualized Education Program team shall determine appropriate participation in assessments and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(g) Under rules adopted by the State Board of Education, the Department of Education shall, subject to appropriations by the General Assembly, release some or all of the

questions and answers to each ~~criterion-referenced competency~~ state criterion based test administered under subsection (a) of this Code section and each end-of-course assessment administered under subsection (e) of this Code section after the last time the instrument is administered for a school year.

(h) The State Board of Education, through the Department of Education, shall administer the end-of-course assessments for core subject areas as defined by state board policy. The state board shall promulgate a schedule for the development and administration of all end-of-course tests. By the 2015-2016 school year, the State Board of Education shall make all end-of-course assessments available online and shall establish rules and regulations to maximize the number of students and school systems utilizing such online assessments.

(i) The Department of Education shall develop study guides for the ~~criterion-referenced~~ state criterion based tests and end-of-course assessments administered pursuant to subsections (a) and (f) of this Code section. Each school system shall distribute the study guides to students who do not perform satisfactorily on one or more parts of an assessment instrument administered under this Code section and to the parents or guardians of such students.

(j)(1) The high school graduation test provided for in subsection (a) of this Code section shall continue in effect until all high school core subject end-of-course assessments have been developed and implemented, at which time the state board shall discontinue the test according to a schedule to be determined by the state board.

(2) The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given.

(k)~~(1)~~ In addition to the assessment instruments adopted by the State Board of Education and administered by the Department of Education, a local school system may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Such locally adopted assessment instruments may not replace the state's adopted assessment instruments for purposes of state accountability programs, except as otherwise provided in paragraph (2) of this subsection. A local school system shall be responsible for all costs and expenses incurred for locally adopted assessment instruments. Students with Individualized Education Programs must be included in the locally adopted assessments or provided an alternate assessment in accordance with the federal Individuals with Disabilities Education Act.

~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal Year 2003 to local boards of education exempting said boards from the administration of the state criterion-referenced competency tests at any or all of the subject areas and grade levels for which the local board of education implements a locally developed criterion-referenced competency test or tests based on the Quality Core Curriculum which increases the expectations for student achievement beyond that of the applicable state criterion-referenced competency test or tests and meets all other~~

~~requirements of this Code section, including reliability and validity requirements, with the exception of subsection (g) of this Code section. Local boards of education with such waivers shall submit to the State Board of Education school and local school system score reports of the locally developed criterion-referenced competency tests.~~

(l) In adopting academic skills assessment instruments under this Code section, the State Board of Education or local school system shall ensure the security of the instruments in their preparation, administration, and scoring. Notwithstanding any other provision of law, meetings or portions of meetings held by the state board or a local board of education at which individual assessment instruments or assessment instrument items are discussed or adopted shall not be open to the public, and the assessment instruments or assessment instrument items shall be confidential.

(m) The results of individual student performance on academic skills assessment instruments administered under this Code section shall be confidential and may be released only in accordance with the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

(n) Overall student performance data shall be disaggregated by ethnicity, sex, socioeconomic status, disability, language proficiency, grade level, subject area, school, system, and other categories determined by policies established by the Office of Student Achievement.

(o) Student performance data shall be made available to the public, with appropriate interpretations, by the State Board of Education, the Office of Student Achievement, and local school system. The information made available to the public shall not contain the names of individual students or teachers.

(p) Teachers in grades one through 12 shall be offered the opportunity to participate annually in a staff development program on the use of tests within the instructional program designed to improve students' academic achievement. This program shall instruct teachers on curriculum alignment related to tests, disaggregated student test data to identify student academic weaknesses by subtests, and other appropriate applications as determined by the State Board of Education.

(q) The State Board of Education shall consider the passage by a student of an industry certification examination or a state licensure examination which is approved by the State Board of Education <u>or a COMPASS score approved by the State Board of Education</u> when considering whether to grant such student a variance ~~for~~ <u>or a waiver of</u> one or more portions of the high school graduation test required by the State Board of Education pursuant to subsection (a) of this Code section in order to obtain a Georgia high school diploma; provided, however, that the state board shall not grant a variance to a student unless the student has attempted and failed to pass the relevant portion of the high school graduation test at least four times."

SECTION 26.

Said chapter is further amended by revising Code Section 20-2-290, relating to organization of schools, middle school programs, and schedule, as follows:

"20-2-290.

(a)~~(1)~~ The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof, shall qualify for the middle school program for students; provided, however, that such schools also meet all other provisions of this Code section and criteria and standards prescribed by the State Board of Education. Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.~~

~~(2)~~(b) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree or satisfactory business experience. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals.

~~(b) Local boards of education shall schedule each middle school so as to provide the following:~~

~~(1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe;~~

~~(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and~~

~~(3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.~~

~~(c) Local school systems shall comply with subsection (b) of this Code section in order to qualify for the middle school program.~~

~~(d) If a local school system has a combination of qualified and nonqualified schools, it shall qualify for the middle school program only for those students counted in the full-time equivalent count for the middle school program in qualified middle schools.~~"

SECTION 27.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-306, relating to honors program and residential high school program, as follows:

"(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to ~~inaugurate~~ continue and administer an honors program for students in the public and private high schools of this state and for resident students who attend a home ~~school~~ study program who have manifested exceptional abilities or unique potentials or who have made exceptional academic achievements. This program shall be conducted during summer months between normal school year terms at institutions of higher learning or other appropriate centers within this state with facilities adequate to provide challenging opportunities for advanced study and accomplishments by such students. The student honors program shall be implemented and operated in accordance with criteria established by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the ~~state board~~ Office of Student Achievement from funds made available for this purpose by the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to enter into cooperative agreements with the Board of Regents of the University System of Georgia for operating and sharing the costs of such programs."

SECTION 28.

Said chapter is further amended by revising Code Section 20-2-314, relating to development of rape prevention, personal safety education, and teen dating violence prevention program, as follows:

"20-2-314.

The State Board of Education shall develop, with input from appropriate experts, such as rape crisis centers and family violence shelters, a rape prevention and personal safety education program and a program for preventing teen dating violence for grade eight through grade 12 which are consistent with the ~~core curriculum~~ content standards provided for in Code Section 20-2-140. Local boards may implement such programs at any time and for any grade level local boards find appropriate, and the state board shall encourage the implementation of such programs. In addition, the state board shall make information regarding such programs available to the Board of Regents of the University System of Georgia."

SECTION 29.

Said chapter is further amended by revising subsection (j) of Code Section 20-2-315, relating to the prohibition of gender discrimination, as follows:

"(j) The Department of Education ~~shall~~ may publish an annual report of local school systems to include information regarding expenditures and participation rates for each gender and such other information as the state board and department deem relevant."

SECTION 30.

Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia Virtual School, as follows:

"20-2-319.1.

(a) The State Board of Education is authorized to establish the Georgia Virtual School whereby students may enroll in ~~state funded~~ courses via the Internet or in any other manner not involving on-site interaction with a teacher. Any Georgia student who is age 21 or younger shall be eligible to enroll in the Georgia Virtual School~~, at no cost to the student~~. The State Board of Education is authorized to promulgate rules and regulations pertaining to the Georgia Virtual School. Such rules and regulations, if established, shall include, at a minimum, a process for students to enroll in Georgia Virtual School courses and a process whereby a student's grade in the course is reported on the student's transcript. All teachers who provide instruction through the Georgia Virtual School shall be certified by the Professional Standards Commission. A local school system shall not prohibit any student from taking a course through the Georgia Virtual School, regardless of whether the school in which the student is enrolled offers the same course.

(b)(1) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. The department shall use funds from ~~this~~ such grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs associated with the maintenance of the Georgia Virtual School, such as new course development, credit recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and costs for tuition, materials, and fees for courses taken through the Georgia Virtual School by students in home study programs or private schools in this state.

(2) The local school system shall pay to the department costs for tuition, materials, and fees directly related to the approved course taken by a student in its school system through the Georgia Virtual School; provided, however, that in no event shall the amount of tuition charged to and paid by the local school system on behalf of such student exceed $250.00 per student per semester course; and provided, further, that if a student participates in courses through the Georgia Virtual School that are in excess of the maximum number of courses a student may be enrolled in during a school day, such student shall be subject to the cost of tuition not to exceed $250.00 per student per semester course.

(3) Students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School at no cost, if appropriations are provided for such purpose in accordance with paragraph (1) of this subsection. If appropriations are not provided or if appropriations are provided but have been

expended for such purpose, students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School based on availability of slots; provided, however, that such students shall be subject to the cost of tuition not to exceed $250.00 per student per semester course.

(c) The Georgia Virtual School shall not be considered a school for purposes of Article 2 of Chapter 14 of this title."

SECTION 31.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as follows:

"(2) 'Clearing-house' means the clearing-house established pursuant to subsection ~~(b)~~(c) of this Code section."

SECTION 32.

Said chapter is further amended by revising Code Section 20-2-319.4, relating to virtual instruction programs, notice of opportunities, mechanisms for compliance, approved providers, approval status, and curriculum plan, as follows:

"20-2-319.4.

(a) Beginning with the 2013-2014 school year, each local school system shall provide opportunities to all students in grades three through 12 enrolled in public schools within its boundaries for participation in part-time and full-time virtual instruction program options. Written notice of such opportunities, including an open enrollment period for full-time students of at least 90 days and not ending earlier than 30 days prior to the first day of the school year, shall be provided directly to parents of all students. The purpose of the program shall be to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide at least three options for:

(1) Full-time virtual instruction for students enrolled in grades three through 12; and

(2) Part-time virtual instruction for students enrolled in grades three through 12.

A virtual instruction program conducted by a local school system shall include specific ~~provision~~ provisions for at least two full-time options and one part-time option for students enrolled in dropout prevention and academic intervention programs or Department of Juvenile Justice education programs under Code Section 20-2-133.

(b) To provide students with the option of participating in virtual instruction programs as required by subsection (a) of this Code section, a local school system may apply one or all of the following mechanisms:

(1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code Section 20-2-319.1;

(2) Facilitate enrollment in one or more courses pursuant to the clearing-house established pursuant to Code Section 20-2-319.3;

~~(2)~~(3) Enter into a contract with ~~an approved~~ a provider ~~under subsection (c) of this Code section~~ for the provision of a full-time program under paragraph (1) of

subsection (a) of this Code section or a part-time program under paragraph (2) of subsection (a) of this Code section; or

~~(3)~~(4) Enter into an agreement with another local school system or systems to allow the participation of its students in an approved virtual instruction program provided by such other local school system or systems. The agreement shall indicate a process for the transfer of funds.

Contracts and agreements entered into pursuant to paragraph ~~(2)~~(3) or ~~(3)~~(4) of this subsection may include multidistrict contractual arrangements that may be executed by a regional educational service agency for its member school systems.

~~(c) The department shall annually provide local school systems with a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider shall document that it:~~

~~(1) Possesses prior, successful experience offering online courses to elementary, middle, or high school students, as demonstrated through quantified student performance improvements for each subject area and grade level provided for consideration as instructional program options;~~

~~(2) Assures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level intended for provision within local school system contracts, including:~~

~~(A) Courses and programs that meet the nationally recognized standards for K-12 online learning;~~

~~(B) Instructional content and services that align with and measure student attainment of proficiency in the state-approved curriculum; and~~

~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate; and~~

~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of Education, for the general public, as part of its application as a provider, and in all contracts negotiated pursuant to this Code section:~~

~~(A) Information and data about each full-time and part-time program regarding its curriculum;~~

~~(B) School policies and procedures;~~

~~(C) Certification status of all administrative and instructional personnel;~~

~~(D) Teacher-student ratios;~~

~~(E) Student completion and promotion rates; and~~

~~(F) Student, educator, and school performance accountability outcomes.~~

~~(d) An approved provider shall retain its approved status for a period of five years after the date of the department's approval pursuant to subsection (c) of this Code section as long as the provider continues to comply with all requirements of this Code section; provided, however, that each provider approved by the department for the 2013-2014 school year shall reapply for approval to provide a part-time program for students in grades three through 12.~~

~~(e)~~(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code section with ~~an approved~~ a provider shall at a minimum set forth a detailed curriculum plan that illustrates how students will be provided services for, and be measured for attainment of, proficiency in state ~~curriculum~~ requirements for content standards for each grade level and subject."

SECTION 33.

Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on assisting local boards of education in acquiring digital learning, and designating said Code section as reserved.

SECTION 34.

Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's Economy Act," as follows:

"(5) 'Focused program of study' means a rigorous academic core combined with a focus in mathematics and science; a focus in humanities, fine arts, and foreign language; or a coherent sequence of career pathway courses that is aligned with graduation requirements established by the State Board of Education and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this article that prepares a student for postsecondary education or immediate employment after high school graduation."

SECTION 35.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating to requirements for high schools that receive a reform grant, as follows:

"(1) Provide focused programs of study which are designed to provide a well-rounded education for students by fostering artistic creativity, critical thinking, and self-discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life. The focused programs of study, whether provided at a choice technical high school, a college and career academy, a traditional high school, or on site at a technical school or college or a public college or university, shall be aligned with graduation requirements established by the State Board of Education and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this article, including, at a minimum, four years of mathematics, Algebra I and higher, and four years of English, with an emphasis on developing reading and writing skills to meet college and career readiness standards;"

SECTION 36.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating to educational entities and requirements for private schools and home study programs, as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education, which shall provide for written or electronic submittal of such declaration of intent;

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, the local school system in which the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of attendance by the Department of Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's

academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 37.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating to contributions by employees, state, and local employers and withholding or deducting employees' contributions for health insurance for public school teachers, as follows:

"(b) As the local employer's share, the local employer shall contribute to the health insurance fund such portion of the cost of such benefits as may be established by the Governor and the board and, in addition thereto, an amount to be established by the board to defray the cost of administration. The board shall determine whether such portion shall be determined based upon a percentage of the total outlay for the salaries of teachers employed by the local employer or determined on an amount per employee electing coverage under the plan based on the coverage elected, in accordance with the appropriation of funds. If a local employer fails to remit the employer's share as calculated by the commissioner, as provided in this Code section, it shall be the duty of the commissioner to notify the State Board of Education of such failure and it shall be the duty of the State Board of Education to, with reasonable promptness, withhold from the employer which has failed to comply ~~all appropriations allotted to such employer until such employer has fully complied with the provisions of this Code section by making remittance of the sums required~~ sufficient state funds as calculated by the commissioner to fully satisfy the outstanding obligation of the local employer to the health insurance fund. Such withheld funds shall be promptly transmitted by the state board to the Department of Community Health."

SECTION 38.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating to withholding or deducting employees' contributions for health insurance for public school employees, as follows:

"(b) The Department of Education and local school systems shall contribute to the health insurance fund such portion of the costs of such benefits as may be established by the board to maintain the employee contributions consistent with other health insurance plans administered by the board. In the event that the commissioner shall determine that a local employer has failed to contribute the full amount of such portion, as calculated by the commissioner, it shall be the duty of the commissioner to notify the State Board of Education of such failure and it shall be the duty of the State Board of Education to, with reasonable promptness, withhold from the employer which has failed to comply ~~all appropriations allotted to such employer until such employer has fully complied with the provisions of this Code section by making remittance of the sums required~~ sufficient state funds as calculated by the commissioner to fully satisfy the outstanding obligation of the local employer to the health insurance fund. Such

withheld funds shall be promptly transmitted by the state board to the Department of Community Health."

SECTION 39.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating to procedure for nonrenewal after acceptance by teacher of school year contract for fourth consecutive school year, as follows:

"(b)(1) A teacher who accepts a school year contract for the fourth consecutive school year from the same local board of education may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940.

(2) In order to demote or fail to renew the contract of a teacher who accepts a school year contract for the fourth or subsequent consecutive school year from the same local board of education, the teacher must be given written notice of the intention to demote or not renew the contract of the teacher. Such notice shall be given by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice shall contain a conspicuous statement in substantially the following form:

You have the right to certain procedural safeguards before you can be demoted or dismissed. These safeguards include the right to notice of the reasons for the action against you and the right to a hearing. If you desire these rights you must send to the school superintendent by certified mail or statutory overnight delivery a statement that you wish to have a hearing; and such statement must be mailed to the school superintendent within 20 days after this notice was mailed to you. Your rights are governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice. A teacher who is so notified that he or she is to be demoted or that his or her contract will not be renewed has the right to the procedures set forth in subsections (b) through (f) of Code Section 20-2-940 before the intended action is taken. A teacher who has the right to these procedures must serve written notice on the superintendent of the local board employing the teacher within 20 days of the day the notice of the intended action is served that he or she requests a hearing. In order to be effective, such written notice that the teacher requests implementation of such procedures must be served by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Within 14 days of service of the request to implement the procedures, the local board must furnish the teacher a notice that complies with the requirements of subsection (b) of Code Section 20-2-940.

(3) A teacher is deemed to have accepted a fourth consecutive school year contract if, while the teacher is serving under the third consecutive school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to

renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school year that he or she does not accept the fourth consecutive school year contract.

(4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection who is subsequently employed by another local board of education and who accepts a second consecutive school year contract from the local board at which the teacher is subsequently employed may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940. The provisions set forth in paragraph (2) of this subsection shall likewise apply to such a teacher.

(5) A teacher is deemed to have accepted a second consecutive school year contract if, while the teacher is serving under the first school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the first school year that he or she does not accept the second consecutive school year contract.

(6) Local boards shall make contract offers available to teachers for a minimum ten-day review period. A teacher accepts the contract by signing and returning it any time during the ten-day period.

(7)(A) Professional certificated personnel employed by a county or independent local school system that becomes consolidated with or merged into another county or independent local school system as provided in Article 8 of this chapter or otherwise shall retain their employment, except as provided in subparagraph (B) of this paragraph, in the newly created, or surviving, school system. Said professional certificated personnel shall retain and carry over all the rights already accrued and earned in the professional certificated personnel's prior school system and as set forth in this paragraph.

(B) Any reductions in staff due to loss of students or cancellation of programs in the newly created, or surviving, school system necessitated by the consolidation or merger shall be made first in preference of retaining professional certificated personnel on the basis of uniformly applied criteria set forth in local school board policies of the newly created, or surviving, school system."

SECTION 40.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160, relating to local board tribunals to determine school law controversies, appeals, and special provisions for disabled children, as follows:

"(b) Any party aggrieved by a decision of the local board rendered on a contested issue after a hearing shall have the right to appeal therefrom to the State Board of Education. The appeal shall be in writing and shall distinctly set forth the question in dispute, the decision of the local board, and a concise statement of the reasons why the decision is complained of; and the party taking the appeal shall also file with the appeal a transcript

of testimony certified as true and correct by the local school superintendent. The appeal shall be filed with the superintendent within 30 days of the decision of the local board, and within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the appeal together with the transcript of evidence and proceedings, the decision of the local board, and other matters in the file relating to the appeal to the state board. The state board shall adopt regulations governing the procedure for hearings before the local board and proceedings before it. The state board may affirm, reverse, or remand the local board decision or may refer the matter to mediation."

SECTION 41.

Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section 20-2-2084, relating to petition for charter schools, requirements of school, governing board membership, and annual training, as follows:

"(2) For petitions for state charter schools with a defined attendance zone, the petitioner shall concurrently submit such petition to the commission, to the local board of education in which the school is proposed to be located, and to each local school system from which the proposed school plans to enroll students. The commission shall not act on a petition unless the local board of education in which the school is proposed to be located denies the petition; provided, however, that such local board shall approve or deny the petition no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or deny such petition by such local board, in violation of Code Section 20-2-2064, shall be deemed a denial for purposes of this paragraph. A local board that has denied a petition for a state charter school shall be permitted to present to the commission in writing or in person the reasons for denial and the deficiencies in such petition resulting in such denial."

SECTION 42.

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

"20-2-2092.

(a) The commission shall have the power and authority to incorporate a nonprofit corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal Revenue Code to aid the commission in carrying out any of its powers and in accomplishing any of its purposes. Any nonprofit corporation created pursuant to this power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

(b) Any nonprofit corporation created pursuant to this Code section shall be subject to the following provisions:

(1) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by any such nonprofit corporation;

(2) Upon dissolution of any such nonprofit corporation incorporated by the commission, any assets shall revert to the commission or to any successor to the commission or, failing such succession, to the State of Georgia;

(3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to any such nonprofit corporation from private sources shall be used for direct employee costs of the commission;

(4) Any such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(5) The commission shall not be liable for the action or omission to act of any such nonprofit corporation; and

(6) No debts, bonds, notes, or other obligations incurred by any such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of any such nonprofit corporation constitute or result in the creation of an indebtedness of the state. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state.

(c) Pursuant to this Code section, the commission may establish a nonprofit corporation to be designated as the State Charter Schools Foundation for the sole purpose of actively seeking supplemental revenue and in-kind goods, services, and property to promote state charter schools and any other purpose of the commission. Funds received by the foundation may be awarded through a competitive grant process administered by the commission.

(d) Any nonprofit corporation created pursuant to this Code section shall make public and provide an annual report showing the identity of all donors and the amount each person or entity donated as well as all expenditures or other disposal of money or property donated. Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on Education and the Senate Education and Youth Committee. Any such nonprofit corporation shall also provide such persons with a copy of all corporate filings with the federal Internal Revenue Service."

SECTION 42A.

Code Section 1-4-3 of the Official Code of Georgia Annotated, relating to American History Month, is amended by adding a new subsection to read as follows:

(a) Except as otherwise provided in subsection (b) of this section, this Act shall become effective July 1, 2014.

(b) Section 1A of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

"(c) The month of September of each year is designated as Georgians of Great Character Month to encourage the recognition of outstanding persons in Georgia history."

SECTION 43.

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

Representative Dudgeon of the 25th moved that the House disagree to the Senate substitute to HB 897.

The motion prevailed.

HB 947. By Representatives Clark of the 98th, Hamilton of the 24th, Golick of the 40th, Barr of the 103rd, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to master and servant, so as to provide for the payment of wages by credit to a prepaid debit card; to require employers to offer employees certain choices relating to the payment of wages; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate moves to a*mend HB 947 (LC 36 2484) by inserting immediately after* "card" *on line 41 the following:*
; provided, further, that an employee shall always have the option to elect to be paid by electronic credit transfer in lieu of credit to a prepaid debit card and, therefore, an employee's failure to designate and authorize an account at a bank, trust company, or other financial institution in a timely manner shall not waive such employee's ability to exercise the option of being paid by electronic credit transfer in lieu of credit to a prepaid debit card after providing the proper designation and authorization

Senate Amendment #2

The Senate moves to a*mend HB 947 (LC 36 2484) by inserting* "to" *after* "pursuant" *on line 33 and deleting lines 35 through 41 and inserting in lieu thereof the following:*
option of being paid by check or electronic credit transfer in lieu of credit to a prepaid debit card; provided, however, that if an employee does not designate and provide the necessary authorization within seven days of receiving notice in writing of the option to choose between the methods of payment and an explanation of any fees, service charges, or other monetary amounts associated with each method of payment, then such person, firm, or corporation may make wage and salary payments to such employee by prepaid debit card; provided, further, that an employee shall always have the option to elect to be paid by check or electronic credit transfer in lieu of credit to a prepaid debit card and, therefore, an employee's failure to designate and authorize another method of payment in a timely manner shall not waive such employee's ability to exercise the option of being

paid by such methods in lieu of credit to a prepaid debit card after providing the proper designation and authorization."

Representative Clark of the 98th moved that the House disagree to the Senate amendments to HB 947.

The motion prevailed.

Representative Meadows of the 5th moved that the following Bill of the Senate be recommitted to the Committee on Rules:

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.

The motion prevailed.

The Speaker announced the House in recess until 7:00 o'clock, this evening.

The Speaker called the House to order.

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

Mr. Speaker:

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

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

A BILL to be entitled an Act to amend Code Section 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade

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

The following Resolutions of the House were read and adopted:

HR 2058. By Representative Beverly of the 143rd:

A RESOLUTION recognizing and commending Fantasia Barrino; and for other purposes.

HR 2059. By Representative Cheokas of the 138th:

A RESOLUTION recognizing and honoring Greece and the Coordinated Effort of Hellenes (CEH) on the sacred occasion of Greek Independence Day; and for other purposes.

HR 2060. By Representative Cheokas of the 138th:

A RESOLUTION recognizing and commending Jacob Dillard; and for other purposes.

HR 2061. By Representatives Williams of the 168th, Chapman of the 167th and Atwood of the 179th:

A RESOLUTION recognizing and commending Cornell L. Harvey; and for other purposes.

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

Representatives Coleman of the 97th and Black of the 174th.

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

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Martin of the 49th moved that the House adhere to its position in disagreeing to the Senate amendment to the House substitute to SB 288 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Martin of the 49th, Jones of the 47th and Dudgeon of the 25th.

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

Mr. Speaker:

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

HB 714. By Representatives Hamilton of the 24th, Meadows of the 5th, Ramsey of the 72nd, Peake of the 141st, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to benefits relative to employment security, so as to provide changes to the determination of eligibility for unemployment benefits of certain persons performing certain services; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following member was recognized during the period of Evening Orders and addressed the House:

Representative Morgan of the 39th.

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

Mr. Speaker:

The Senate has disagreed to the House amendment to the following bill of the Senate:

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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

HB 753. By Representatives Powell of the 32nd and Hitchens of the 161st:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions of identifying and regulating motor vehicles, so as to provide for federal regulatory requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker Pro Tem assumed the Chair.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 786. By Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 786

The Committee of Conference on HB 786 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 786 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Harper Senator, 7th District	/s/ David W. Knight Representative, 130th District
/s/ Jeffares Senator, 17th District	/s/ Jay Roberts Representative, 155th District
/s/ Ross Tolleson Senator, 20th District	/s/ Jon G. Burns Representative, 159th District

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, is amended by revising Code Section 27-2-3.1, relating to hunting licenses, sportsman's licenses, and lifetime sportsman's licenses, as follows:

"27-2-3.1.

(a) Reserved.

(b) Reserved.

(c) The requirements in this title for procuring any license or permit for noncommercial hunting and fishing privileges, except for hunting alligators, shall be satisfied by a

resident who procures a sportsman's license. An applicant for such license shall, prior to the issuance of the license, complete a screening questionnaire associated with the federal Migratory Bird Harvest Information Program.

(d) All licenses, stamps, or permits for noncommercial hunting and fishing privileges ~~must~~ shall be attached to or printed on a form provided by the department which ~~must~~ shall include the applicant's name, address, date of birth, and hunter safety certification number; provided, however, that each such item of information may be, but is not required to be, printed on lifetime licenses.

(e)(1) The requirements in this title for procuring any license, stamp, or permit for noncommercial hunting and fishing privileges shall be satisfied by a resident or nonresident who procures a lifetime sportsman's license.

(2) An applicant for such license who is a resident shall~~, prior to the issuance of the license,~~ certify and provide satisfactory evidence of ~~residency~~ his or her residency as set forth in paragraph (5) of this subsection.

(3) An applicant for a veteran's lifetime sportsman's license shall, in addition to satisfactory evidence of residency, be required to provide satisfactory evidence that he or she served more than 90 days of federal active duty military service and was honorably discharged.

(4) An applicant for such license who is a nonresident shall not be eligible for issuance of such license unless ~~he~~:

(A) He or she is ~~under 16~~ from two through 15 years of age and is the grandchild of a resident who holds a valid paid lifetime sportsman's license (not a Type S lifetime license). The resident grandparent who holds such a lifetime sportsman's license and who is the sponsor of ~~a~~ an eligible nonresident applicant for a lifetime sportsman's license ~~must~~ shall certify the nonresident applicant's relationship to him or her in writing to the department; or

(B) He or she is less than two years of age.

(5) For purposes of procuring a lifetime sportsman's license, the term 'residency' means a domicile within Georgia for a minimum of ~~12~~ three consecutive months immediately prior to procuring such license. Satisfactory evidence of residency shall consist of a current Georgia driver's license or official Georgia identification card issued by the Department of Driver Services; provided, however, that no license or identification card issued pursuant to Code Section 40-5-21.1 shall satisfy the requirements of this paragraph. ~~and at least one of the following:~~

~~(A) A voter registration card;~~

~~(B) A copy of the prior year's Georgia income tax return;~~

~~(C) A current Georgia automobile registration; or~~

~~(D) A warranty deed to property at the same address as is displayed on the Georgia driver's license.~~

Minors under 18 years of age shall be presumed to be residents upon proof of parent's ~~residency~~ resident status as provided for in this Code section. For purposes of procuring the Type I (Infant) and Type Y (Youth) lifetime license, a copy of a certified copy of the birth certificate of the licensee shall be required to show age

(Types I and Y) and parentage (Type Y). A court order or other legal document establishing parental rights may be provided to show parentage.

(f)(1) Lifetime sportsman's licenses and fees for residents shall be as follows:

(A) Type I (Infant), available only to those individuals under two years of age: $200.00;

(B) Type Y (Youth), available only to those individuals from two through 15 years of age: $350.00;

(C) Type A (Adult), available to those individuals 16 years of age or older: $500.00; (D) Type SD (Senior Discount), available to those individuals 60 years of age or older: $95.00;

(E) Type S (Senior), available to those individuals 65 years of age or older: no charge;

(F) Type V (Veterans), available only to those individuals who served more than 90 days of federal active duty military service and were honorably discharged: 80 percent of the amount of the fee specified for Type A lifetime sportsman's licenses in subparagraph (C) of this paragraph; and

(G) Type SP (Shooting Preserve), available to any individual, resident or nonresident, and which entitles the holder to hunt pen raised game birds and fish in any private or state waters within the boundaries of a properly licensed shooting preserve: $75.00.

(2) The fee for any lifetime sportsman's license for a nonresident, Type NR, shall be twice the amount of the fee for a Type A (Adult) lifetime sportsman's license for a resident, except that the fee for a nonresident Type I (Infant) license shall be the same fee as for a resident Type I (Infant) license.

(g) Lifetime sportsman's licenses shall be valid for the lifetime of the purchaser, whether resident or nonresident. Change of residency to another state shall not affect the validity of the lifetime license when hunting or fishing in Georgia.

(h) The commissioner shall revoke the lifetime sportsman's license of any person who knowingly attempts to or does purchase, obtain, or assist another person to obtain a lifetime sportsman's license by fraudulent means, without refund of any fees paid.

(i) Upon payment of a replacement fee of up to $10.00, any durable plastic card showing a lifetime sportsman's license or other valid ~~other than a Type S~~ license may be replaced if lost, stolen, or destroyed, provided that the applicant's name and lifetime license number or other required license information are in the records of the department. ~~No replacement fee shall be charged for replacement of a Type S license. Replacement fees for all other licenses shall be $3.00 per transaction, regardless of the number of licenses being replaced in a given transaction.~~

(j) Once a lifetime license is issued, no refunds of fees will be made except in the case of the death before age 16 years of a Type I (Infant) lifetime license holder or a Type Y (Youth) license holder, in which case a full refund of fees collected may be made upon submission of the lifetime license and any other documentation required by the department."

SECTION 2.

Said article is further amended in Code Section 27-2-30, relating to establishment of the Wildlife Endowment Fund, by revising subsection (b) as follows:

"(b) In recognition of its obligations to lifetime sportsman's license purchasers, the General Assembly directs the department to establish a fund known as the Wildlife Endowment Fund for receipt of funds of an amount equal to that generated by the sale of lifetime sportsman's licenses listed in subsection ~~(e)~~ (f) of Code Section 27-2-3.1. Further, the General Assembly declares its intent to appropriate to the Wildlife Endowment Fund each fiscal year an amount equal to that generated by the prior year's sales of lifetime licenses. The fund is also authorized to accept contributions from private individuals and entities. All funds appropriated and those contributed to the Wildlife Endowment Fund shall be deemed expended and contractually obligated and shall not lapse to the general fund."

SECTION 3.

This Act shall become effective on July 1, 2014.

SECTION 4.

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

Representative Knight of the 130th moved that the House adopt the report of the Committee of Conference on HB 786.

On the motion, 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	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
E 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	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	E 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	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	E Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
Y Cheokas	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 motion, the ayes were 169, nays 3.

The motion prevailed.

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

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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.

Representative Hatchett of the 150th moved that the House insist on its position in amending SB 391.

The motion prevailed.

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, 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 the bidding out of child welfare services state wide through contracts with community based providers; to provide for definitions; to provide for qualifications for contractors; to provide for contract standards; to provide for a review; to provide for procedures; to provide for related matters; to provide for a contingent effective date; 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 49 of the Official Code of Georgia Annotated, relating to social services, 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.

Said title is further amended in Chapter 2, relating to the Department of Human Services, by adding a new Code section to read as follows:

"49-2-18.

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

(1) 'Child welfare services' means those services relating to programs and protection for children and youth conducted pursuant to Chapter 5 of this title, including, but not limited to, adoption services, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential

treatment, foster care supervision, case management services, post-placement supervision, and family reunification; provided, however, that child welfare services shall not include child protection investigations.

(2) 'Division' means the Division of Family and Children Services of the Department of Human Services.

(b) Beginning July 1, 2015, the division shall conduct a three-year pilot program for the purpose of evaluating whether child welfare services should be privatized statewide. The pilot program shall be established in three of the 15 regional service areas identified by the division. The division should establish the pilot program in diverse areas of the state. The division shall use a competitive bidding process to contract with a single community based organization, which may be faith based, to administer all child welfare services for all children in each region either directly or through a local network of providers; provided, however, that the services provided directly by that community based organization shall not exceed 35 percent of all child welfare services in the region. The competitive bidding process shall be developed with input from community based providers, foster parents, members of the faith community, and child advocacy organizations.

(c) There shall be created the Child Welfare Pilot Program Commission. The commission shall be composed of seven members and shall be appointed as follows: three shall be appointed by the Governor; two shall be appointed by the Lieutenant Governor; and two shall be appointed by the Speaker of the House of Representatives. The commission shall advise the division on the design and implementation of the pilot program and the competitive bidding process for the provision of child welfare services through contracts with community based organizations, including a federal Title IV-E Waiver Demonstration Project for fixed funding if necessary.

(d) The division shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state laws and regulations and in adherence to nationally recognized child welfare performance outcome measures. Each community based organization in the administrator role should receive payment by the division of a reasonable monthly administrative rate and a case rate per child calculated as the total appropriated funds allocated for child welfare services during the prior fiscal year divided by the monthly average number of children served in the same fiscal year.

(e) The division shall evaluate the pilot program and submit a report regarding quality performance, outcome measure attainment, and cost efficiency results to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives no later than January 1, 2018. Such report shall also include recommendations as to the expansion of the pilot program statewide and identification of services which should be included in privatization efforts. Beginning July 1, 2018, this pilot program shall be expanded to all remaining 12 regions statewide over the following two years. The division shall be authorized to establish such rules and regulations in order to execute the pilot program."

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 following amendment was read and adopted:

Representatives Wilkerson of the 38th and Welch of the 110th offer the following amendment:

Amend the Senate substitute to HB 914 (HB 914/SCSFA/1), by striking lines 4 through 8 and inserting in lieu thereof the following:

report and upon completion of its investigation; 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 an effective date; to repeal conflicting laws;

By striking lines 24 through 72 and inserting in lieu thereof the following:

SECTION 2.

Said title is further 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.~~"

Representative Wilkerson of the 38th moved that the House agree to the Senate substitute, as amended by the House, to HB 914.

On the motion, 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	Morgan	Y Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
E 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	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	E 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	Y Fullerton	Y Kirby	Y Rogers, C	Y Wilkerson
Y Chandler	Y Gardner	Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A

Y Cheokas	Y Glanton	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	Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Shaw	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 166, nays 2.

The motion prevailed.

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 Senate 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 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 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, 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.

(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."

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.

Representative Morris of the 156th moved that the House agree to the Senate substitute to HB 772.

On the motion, 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	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harden	N Mitchell	N Smith, M
Y Atwood	Y Dempsey	Y Harrell	N Moore	Smith, R
Y Ballinger	N Dickerson	Y Hatchett	N Morgan	N Smyre
Y Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
E 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	N Pak	Y Strickland
N Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	N Howard	N 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	Y Powell, J	Y Taylor, T
N Bruce	N Epps, C	Jones, J	N Prince	E 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	E Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Welch
Y Carter	N Frye	N Kidd	Y Roberts	Weldon
Y Casas	N 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	E Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	N Williams, A
Cheokas	N Glanton	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	Greene	N Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 100, nays 67.

The motion prevailed.

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 Senate substitute was read:

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is amended by revising paragraphs (5), (10), and (11) of Code Section 15-12-1, relating to definitions, as follows:

"(5) 'County master jury list' means a list compiled by the council of names of persons, including their addresses, city of residence, dates of birth, and gender, eligible for trial or grand jury service."

"(10) 'State-wide master jury list' means a comprehensive master list that identifies every person of this state who can be determined to be prima facie qualified to serve as a trial or grand juror.

(11) 'Venire' means the list of persons summoned to serve as trial or grand jurors for a particular term of court."

SECTION 2.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 15-12-1.1, relating to exemptions from jury duty, as follows:

"(a)(1) Any person who shows that he or she will be engaged during his or her term of jury duty as a trial or grand juror in work necessary to the public health, safety, or good order or who shows other good cause why he or she should be exempt from jury duty may have his or her jury service deferred or excused by the judge of the court to which he or she has been summoned or by some other person who has been duly appointed by order of the chief judge to excuse jurors. Such a person may exercise such authority only after the establishment by court order of guidelines governing excuses. Any order of appointment shall provide that, except for permanently mentally or physically disabled persons, all excuses shall be deferred to a date and time certain within that term or the next succeeding term or shall be deferred as set forth in the court order. It shall be the duty of the court to provide affidavits for the purpose of requesting a deferral of or excusal from jury service pursuant to this subsection."

SECTION 3.

Said chapter is further amended by revising Code Section 15-12-3, relating to term of service on jury, as follows:

"15-12-3.

~~No person shall be compellable to serve on the grand or trial jury of the superior court or on any jury in other courts for more than four weeks in any year.~~ No person shall be allowed to serve on the trial jury of the superior court or on any trial jury in other courts for more than four weeks in any one year unless he or she is actually engaged in the

trial of a case when the four weeks expire, in which case he or she shall be discharged as soon as the case is decided."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 15-12-4, relating to eligibility of person to serve as a juror, as follows:

"(a) Any person who has served as a trial or grand juror at any session of the superior or state courts shall be ineligible for duty as a juror ~~at~~ until the next succeeding ~~term of the court in which such person has previously served but shall be eligible to serve at the next succeeding term of court for a different level of court~~ county master jury list has been received by the clerk."

SECTION 5.

Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 15-12-7, relating to compensation of court bailiffs and expense allowance for jurors, as follows:

"(2) An expense allowance for trial or grand jurors in the superior courts of such counties for the next succeeding year not to be less than $5.00 nor to exceed $50.00 per diem. The same expense allowance shall be allowed to jurors of the several state courts and special courts as is allowed jurors in the superior court of the county in which the state or special court is located; and"

SECTION 6.

Said chapter is further amended by revising Code Section 15-12-10, relating to juror's failure to appear or unauthorized absence and contempt, as follows:

"15-12-10.

If any person is duly summoned to appear as a trial or grand juror at court and neglects or refuses to appear, or if any juror absents himself or herself without leave of the court, ~~said~~ such neglect, refusal, or absence may, after notice and hearing, be punished as contempt of court."

SECTION 7.

Said chapter is further amended by revising subsection (b) of Code Section 15-12-11, relating to appointment of jury clerk and other personnel, juror questionnaires, and construction with other laws, as follows:

"(b) Prospective trial and grand jurors in all counties may be required to answer written questionnaires, as may be determined and submitted by the judges of such counties, concerning their qualifications as jurors. In propounding the court's questions, the court may consider the suggestions of counsel. In the court's questionnaire and during voir dire examination, judges should ensure that the privacy of prospective jurors is reasonably protected and that the questioning by counsel is consistent with the purpose of the voir dire process."

SECTION 8.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 15-12-23, relating to clerk of board of jury commissioners, jury clerk, juror questionnaires, and construction with other laws, as follows:

"(2) All prospective trial or grand jurors in such counties shall be required to answer questionnaires as may be determined and submitted by said chief judge of such counties concerning their qualifications as jurors."

SECTION 9.

Said chapter is further amended by revising Code Section 15-12-46, relating to adjournment of term pending choosing of jurors, as follows:

"15-12-46.

If juries have not been chosen for any regular term of the superior court and there is not sufficient time for choosing and summoning prospective trial and grand jurors to serve at the regular term, the judge of the superior court for the county in which the failure has occurred, by order passed at chambers, may adjourn the court to another day, may require the requisite number of prospective ~~grand and~~ trial and grand jurors to be summoned, and may enforce their attendance at the term so called."

SECTION 10.

Said chapter is further amended by revising Code Section 15-12-62.1, relating to choosing grand jurors, as follows:

"15-12-62.1.

The ~~On and after July 1, 2012, the~~ clerk shall choose a sufficient number of persons to serve as grand jurors from the county master jury list in the same manner as trial jurors are chosen. The clerk, not less than 20 days before the commencement of each term of court at which a regular grand jury is impaneled, shall issue summonses by mail to the persons chosen for grand jury service. ~~The clerk shall choose grand jurors in the manner specified by and in accordance with the rules adopted by the Supreme Court.~~"

SECTION 11.

Said chapter is further amended by revising Code Section 15-12-63, relating to choosing separate grand juries for each week, as follows:

"15-12-63.

In any term of court when the public interest requires it, the court, on application of the district attorney, may empanel one or more concurrent grand juries. ~~When the superior court is held for longer than one week, the presiding judge may direct the clerk to choose separate grand juries for each week.~~"

SECTION 12.

Said chapter is further amended by revising Code Section 15-12-66, which is designated as reserved, as follows:

"15-12-66.

(a) Prior to empaneling, swearing, and charging the grand jury, the presiding judge and the district attorney may examine prospective grand jurors as to their qualifications to serve as provided in Code Sections 15-12-4 and 15-12-60. Such examination shall be conducted after the administration of the preliminary oath set forth in subsection (b) of this Code section. Any prospective grand juror who is not qualified to serve shall be excused by the presiding judge.

(b) Prior to examination, the presiding judge, the district attorney, or the clerk shall administer the following oath or affirmation to prospective grand jurors:

'You shall give true answers to all questions as may be asked by the court or the district attorney concerning your qualifications to serve as a grand juror.' ~~Reserved.~~"

SECTION 13.

Said chapter is further amended by revising Code Section 15-12-66.1, relating to insufficient number of persons to complete panel of grand jurors, as follows:

"15-12-66.1.

When ~~On and after July 1, 2012, when~~ from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the ~~panel~~ empaneling of grand jurors, the presiding judge shall order the clerk ~~shall~~ to choose at random from the names of persons summoned as trial jurors a sufficient number of prospective ~~trial~~ grand jurors ~~from the county master jury list and summon the jurors so chosen~~ necessary to complete the grand jury. Nothing in this Code section shall be construed as barring the court from taking any action against a person who has been summoned to appear as a juror as provided in Code Section 15-12-10."

SECTION 14.

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

SECTION 15.

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

Representative Kelley of the 16th moved that the House agree to the Senate substitute to HB 1078.

On the motion, 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	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
E Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M

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 Channell
Y Chapman
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Cooke
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
Y Fullerton
Y Gardner
Y Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
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
E Martin
Y Maxwell
Y Mayo
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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims, B
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
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 motion, the ayes were 168, nays 0.

The motion prevailed.

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

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

The following Senate amendment was read:

The Senate moves to a*mend HB 670 (LC 29 5931S) by replacing line 6 with the following:*
cross-references; to provide for an automatic repeal; to provide for revised fees on and after January 1, 2020; to provide for related matters; to provide for effective dates; to repeal

By inserting "PART I" *between lines 8 and 9 and redesignating Sections 1 through 6 as Sections 1-1 through 1-6, respectively.*

By deleting the quotation mark on line 78 and inserting between lines 78 and 79 the following:
This paragraph shall stand repealed effective December 31, 2019."

By deleting the quotation mark at the end of line 117 and inserting after the period the following:
This subsection shall stand repealed effective December 31, 2019."

By replacing lines 131 through 133 with the following:

PART II

SECTION 2-1.

Said article is further amended in Code Section 15-6-77, relating to fees, by enacting a new paragraph (10) of subsection (g) to read as follows:

"(10) Trade Names:

(A) Registering and filing trade names 16.00

(B) Cancelling a trade name registration 18.00

(C) Reregistering an existing trade name in the trade name registry..... 16.00"

SECTION 2-2.

Said article is further amended in Code Section 15-6-98, relating to collection of fees and remittance of real estate and personal property fees to the Georgia Superior Court Clerks' Cooperative Authority, by enacting a new subsection (b) to read as follows:

"(b) From the fees enumerated in division (f)(1)(A)(i) of Code Section 15-6-77, the Georgia Superior Court Clerks' Cooperative Authority shall collect from each clerk of superior court $5.00 from each fee collected. From the fees enumerated in paragraph (10) of subsection (g) of Code Section 15-6-77, the Georgia Superior Court Clerks' Cooperative Authority shall collect from each clerk of superior court $1.00 from each fee collected."

PART III
SECTION 3-1.

(a) Parts I and III of this Act shall become effective on July 1, 2014.
(b) Part II of this Act shall become effective on January 1, 2020.

SECTION 3-2.

Representative Fleming of the 121st moved that the House agree to the Senate amendment to HB 670.

On the motion, 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
E 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 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
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
N Gregory
Y Hamilton
Y Harbin
Y Harden
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
Mabra
Y Marin
E Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
Y Morgan
Y Morris
Mosby
Y Nimmer
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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E 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
Stephenson
Y Stovall
N 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
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 motion, the ayes were 161, nays 4.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to agents, agencies, subagents, counselors, and adjusters, so as to provide for the licensing and regulation of public adjusters; to provide for definitions; to provide for written contracts; to provide for standard of conduct; to provide for penalties; to amend Code Section 33-63-3 of the Official Code of Georgia Annotated, relating to guaranteed asset protection waivers definitions, so as to expand the definition of guaranteed asset protection waiver to include a contractual agreement wherein a creditor agrees for certain charges to cancel or waive all or part of certain excess wear and use charges; 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 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to agents, agencies, subagents, counselors, and adjusters, is amended by revising paragraph (13) of subsection (a) of Code Section 33-23-1, relating to definitions, as follows:

"(13) 'Public adjuster' means any person who solicits, advertises for, or otherwise agrees to represent only a person who is insured under a policy covering fire, windstorm, water damage, and other physical damage to real and personal property other than vehicles licensed for the road, and any such representation shall be limited to the settlement of a claim or claims under the policy for damages to real and personal property, including related loss of income and living expense losses but

excluding claims arising out of any motor vehicle accident, and who, for compensation on behalf of an insured:

(A) Acts or aids, solely in relation to first-party claims arising under insurance contracts that insure the real or personal property of the insured, in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;

(B) Advertises for employment as a public adjuster of insurance claims or solicits business or represents himself or herself to the public as a public adjuster of first-party claims for losses or damages arising out of policies of insurance that insure real or personal property; or

(C) Directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about first-party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person engaged in the business of adjusting losses or damages covered by an insurance policy."

SECTION 2.

Said article is further amended in Code Section 33-23-1, relating to definitions, by revising subsection (b) and by adding a new subsection to read as follows:

"(b) The definitions of agent, subagent, ~~counselor, and adjuster~~ and counselor in subsection (a) of this Code section shall not be deemed to include:

(1) An attorney at law admitted to practice in this state, when handling the collections of premiums or advising clients as to insurance as a function incidental to the practice of law or who~~, from time to time,~~ adjusts losses which are incidental to the practice of his or her profession;

(2) Any representative of ocean marine insurers;

(3) Any representative of farmers' mutual fire insurance companies as defined in Chapter 16 of this title;

(4) A salaried employee of a credit or character reporting firm or agency not engaged in the insurance business who may, however, report to an insurer;

(5) A person acting for or as a collection agency;

(6) A person who makes the salary deductions of premiums for employees or, under a group insurance plan, a person who serves the master policyholder of group insurance in administering the details of such insurance for the employees or debtors of the master policyholder or of a firm or corporation by which the person is employed and who does not receive insurance commissions for such service; provided, further, that an administration fee not exceeding 5 percent of the premiums collected paid by the insurer to the administration office shall not be construed to be an insurance commission;

(7) Persons exempted from licensure as provided in subsection (h) of Code Section 33-23-4; or

(8) An individual who collects claim information from, or furnishes claim information to, insureds or claimants, who conducts data entry, and who enters data into an automated claims adjudication system, provided that the individual is an

employee of a licensed independent adjuster or its affiliate where no more than 25 such persons are under the supervision of one licensed independent adjustor or licensed agent.

(c) In addition to paragraphs (2) through (8) of subsection (b) of this Code section, the definitions of public adjuster, independent adjuster, and adjuster in subsection (a) of this Code section shall not be deemed to include an attorney admitted to practice law in this state."

SECTION 3.

Said article is further amended by revising subsection (a) of Code Section 33-23-4, relating to license required, restrictions on payment or receipt of commissions, and positions indirectly related to sale, solicitation, or negotiation of insurance excluded from licensing requirements, as follows:

"(a)(1) A person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with this chapter and applicable regulations.

(2) Any individual who sells, solicits, or negotiates insurance in this state ~~must~~ shall be licensed as an agent.

(3) Any business entity that sells, solicits, or negotiates insurance in this state ~~must~~ shall be licensed as an agency.

(4) Any individual defined as an adjuster under paragraph (1) of subsection (a) of Code Section 33-23-1 who for a fee, commission, salary, or other compensation investigates, settles, or adjusts claims arising under insurance contracts on behalf of the insurer or the insured shall be licensed as either an independent adjuster or a public adjuster."

SECTION 4.

Said article is further amended by revising subsection (c) of Code Section 33-23-43, relating to authority of adjusters and penalty for violation, as follows:

"(c) No public adjuster, at any time, shall knowingly:

(1) ~~Suggest or advise the employment of or name for employment a specific attorney or attorneys to represent a person in any matter relating to a person's potential claims, including any motor vehicle accident claims for personal injury, loss of consortium, property damages, or other special damages~~ Misrepresent to an insured that he or she is required to hire an independent or public adjuster to help the insured meet his or her obligations under his or her policy;

(2) Accept or agree to accept any money or other compensation from an attorney or any person acting on behalf of an attorney which the adjuster knows or should reasonably know is payment for the suggestion or advice by the adjuster to seek the services of the attorney or for the referral of any portion of a person's claim to the attorney;

(3) Hire or procure another to do any act prohibited by this subsection; ~~or~~

(4) Advertise or promise to pay or rebate all or any portion of any insurance deductible as an inducement to the sale of goods or services. As used in this subsection, the term 'promise to pay or rebate' includes:

(A) ~~granting~~ Granting any allowance or offering any discount against the fees to be charged, including, but not limited to, an allowance or discount in return for displaying a sign or other advertisement at the insured's premises~~,~~; or

(B) ~~paying~~ Paying the insured or any person directly or indirectly associated with the property any form of compensation, gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason;

(5) Misrepresent to a claimant that he or she is an adjuster representing an insurer in any capacity, including acting as an employee of the insurer or as an independent adjuster, unless appointed by an insurer in writing to act on the insurer's behalf for that specific claim or purpose. A licensed public adjuster shall not charge a claimant a fee for adjusting a claim when he or she is appointed by the insurer for that specific claim or purpose and the appointment is accepted by the public adjuster;

(6) Solicit, or attempt to solicit, an insured during the progress of a loss-producing occurrence as defined in the insured's insurance contract;

(7) Have a direct or indirect financial interest in any aspect of a claim other than the salary, fee, commission, or other consideration established in a written contract with the insured which shall incorporate all of the conditions and provisions set out in Code Section 33-23-43.1;

(8) Charge to or collect from an insured any amount, other than reasonable compensation for services rendered based on time spent and expenses incurred, in any transaction where the insurer either pays or commits in writing to pay the policy limit or limits for all coverage under the insured's policy within three business days after the loss is reported to the insurer;

(9) Misrepresent to an insured or insurer that he or she is an attorney authorized by law to provide legal advice and services or that a policy covers a loss or losses outside the scope of the coverage provided by the insurance contract;

(10) Permit an unlicensed employee or representative of the adjuster to conduct business for which a license is required; or

(11) Hire or procure another to do any act prohibited by this subsection."

SECTION 5.

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

"33-23-43.1.

(a) Public adjusters shall ensure that all contracts for their services are in writing, prominently captioned and titled 'Public Adjuster Contract,' and contain the following:

(1) Legible full name of the public adjuster signing the contract, as specified on the license issued by the Department of Insurance, and attestation language that the public adjuster is fully bonded pursuant to state law;

(2) Permanent home state business address and contact information of the public adjuster, including e-mail address;

(3) The public adjuster's Department of Insurance license number and a statement that the license is valid and in full force and effect as of the date the contract is signed;
(4) The insured's full name and street address;
(5) A description of the loss and its location, if applicable;
(6) A description of services to be provided to the insured;
(7) Signatures of the public adjuster and the insured;
(8) The date the contract was signed by the public adjuster, and the date the contract was signed by the insured;
(9) A statement of the fee, compensation, or other considerations that the public adjuster is to receive for services, including a listing of typical costs and expenses for which the public adjuster is to be reimbursed; and
(10) A statement prominently captioned in a minimum 12 point font that contains the following:
(A) Any direct or indirect interest in or compensation by any construction firm, salvage firm, building appraisal firm, storage company, or any other firm or business entity that performs any work in conjunction with damages incident to any loss which the adjuster has been contracted to adjust;
(B) Any direct or indirect participation in the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by the adjuster or disclosure of any other activities that may be reasonably construed as a conflict of interest, including a financial interest in any salvage, repair, construction, or restoration of any business entity that obtains business in connection with any claims that the public adjuster has a contract or agreement to adjust; and
(C) Any direct or indirect compensation of value in connection with an insured's specific loss other than compensation from the insured for service as a public adjuster.
(b) Public adjuster contracts may not contain a contract term that:
(1) Restricts an insured's right to initiate and maintain direct communications with his or her attorney, the insurer, the insurer's adjuster, the insurer's attorney, or any other person regarding settlement of the insured's claim;
(2) Vests the public adjuster with the right to initiate direct communications with the insured's insurer, the insurer's adjuster, or the insurer's attorney regarding settlement of the insured's claim without specific written authorization from the insured;
(3) Allows the public adjuster's percentage fee to be collected when money is due from an insurance company but not paid or that allows a public adjuster to collect the entire fee from the first check issued by an insurance company rather than as a percentage of each check issued by an insurance company;
(4) Requires the insured to authorize an insurance company to issue a check only in the name of the public adjuster; or
(5) Precludes or restricts an insured from pursuing any civil remedies relating to his or her claim.
(c) All public adjuster contracts shall be construed to contain, by operation of law:

(1) A provision granting the insured a right to rescind the contract within three business days after the date the contract was signed, so long as the rescission is in writing and mailed or delivered to the public adjuster at the address stated in the contract within three business days. For purposes of this subsection, rescission of the contract shall be considered delivered or mailed if it is delivered by electronic transmittal to the e-mail address or facsimile specified in the contract for such communications;

(2) A provision that if the insured exercises the right to rescind the contract, anything of value given by the insured under the contract will be returned to the insured within 15 business days following the receipt by the public adjuster of the cancellation notice; and

(3) A provision requiring that, prior to initiating any contact with the insured's insurer, the insurer's adjuster, or the insurer's attorney regarding settlement of the insured's claim, a public adjuster must provide the insurer a notification letter signed by the insured confirming that the insured has authorized the public adjuster to communicate directly with the insurer, the insurer's adjuster, or the insurer's attorney on behalf of the insured.

(d) All public adjuster contracts shall be executed in duplicate to provide an original contract to the public adjuster and an original contract to the insured. The public adjuster's original contract shall be available at all times for inspection without notice by the Commissioner of Insurance.

33-23-43.2.

(a) A public adjuster is obligated, under his or her license, to serve with objectivity and complete loyalty to the interest of his or her client alone and to render to the insured such information, counsel, and service within the public adjuster's knowledge, understanding, and opinion that will best serve the insured's insurance claim needs and interest.

(b) A public adjuster shall faithfully observe all of the terms and provisions of the public adjuster contract as prescribed in Code Section 33-23-43.1."

SECTION 6.

Code Section 33-63-3 of the Official Code of Georgia Annotated, relating to guaranteed asset protection waivers definitions, is amended by revising in paragraph (6) as follows:

"(6) 'Guaranteed asset protection waiver' means a contractual agreement wherein a creditor agrees for a separate charge to cancel or waive all or part of amounts due on a borrower's finance agreement in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement must be part of, or a separate addendum to, the finance agreement or a contractual agreement wherein a creditor agrees for a separate charge to cancel or waive all or part of the excess wear and use charges owed by the borrower to the creditor under the lease contract when the borrower returns a leased vehicle to the creditor at termination of the lease, which agreement must be part of, or a separate addendum to, the lease contract."

SECTION 7.

This Act shall become effective on July 1, 2014.

SECTION 8.

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

Representative Williamson of the 115th moved that the House agree to the Senate substitute to HB 610.

On the motion, 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
E 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 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
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
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
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
E 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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
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
E 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 motion, the ayes were 166, nays 2.

The motion prevailed.

HB 714. By Representatives Hamilton of the 24th, Meadows of the 5th, Ramsey of the 72nd, Peake of the 141st, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to benefits relative to employment security, so as to provide changes to the determination of eligibility for unemployment benefits of certain persons performing certain services; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 and Title 50 of the Official Code of Georgia Annotated, relating to employment security and state government, respectively, so as to change certain provisions, processes, and procedures affecting unemployment insurance and benefits; to change certain provisions relating to the disposition of fines, penalties, and interest collected; to change certain provisions relating to regular benefits paid to be charged against experience rating account; to change certain provisions relating to benefit claims; to provide changes to the determination of eligibility for unemployment benefits of certain persons performing certain services; to provide for definitions; to change certain provisions relating to review of a decision of a hearing officer by the board of review; to change certain provisions relating to procedures for judicial review; to change certain provisions relating to the process of issuing, quashing, modifying, or withdrawing subpoenas; to change certain provisions relating to overpayments of benefits; to change the penalty amount added to an overpayment as a result of a false statement or misrepresentation; to change certain provisions relating to hearings of the Department of Labor relative to unemployment benefits or overpayment of unemployment benefits; 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 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by revising Code Section 34-8-92, relating to the disposition of fines, penalties, and interest collected, by designating the existing language as subsection (a) and adding a new subsection to read as follows:

"(b) Notwithstanding subsection (a) of this Code section, any amounts collected pursuant to Code Section 34-8-255 shall be returned to the Unemployment

Compensation Fund to be used exclusively for the purposes of this chapter as required by federal law."

SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 34-8-157, relating to regular benefits paid to be charged against experience rating account, as follows:

"(b) Regular benefits paid with respect to all benefit years that begin on or after January 1, 1992, shall be charged against the experience rating account or reimbursement account of employers in the following manner:

(1) Benefits paid shall be charged to the account of the most recent employer, as that term is defined in Code Section 34-8-43, including benefits paid based upon insured wages which were earned to requalify following a period of disqualification as provided in Code Section 34-8-194;

(2)(A) ~~Benefits~~ Except as otherwise provided in paragraph (3) of this subsection, benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual's claim and continuing through the individual's benefit year.

(B) In the event the provisions of subparagraph (A) of this paragraph are determined by the United States secretary of labor or by a court of competent jurisdiction at a subsequent level of appeal, such appeal to be taken at the sole discretion of the Commissioner, to be out of conformity with federal law, the provisions of subparagraph (A) of this paragraph shall be considered null and void and the provisions of this subparagraph shall control. Benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual's claim and continuing through the individual's benefit year; provided, however, the portion of such charges for benefits paid which exceed the amount of wages paid by such employer shall be charged against the experience rating account of all base period employers in the manner provided in subsection (a) of this Code section.

(C) ~~Benefits~~ Except as otherwise provided in paragraph (3) of this subsection, benefits shall not be charged to the account of an employer when an individual's overpayment is waived pursuant to Code Section 34-8-254.

(D) ~~Notwithstanding any other provision of this subsection to the contrary~~ Except as otherwise provided in paragraph (3) of this subsection, for the purposes of calculating an employer's contribution rate, an account of an employer shall not be charged for benefits paid to an individual for unemployment that is directly caused by a presidentially declared natural disaster;

(3)(A) ~~An employer's account may be charged for benefits paid due to the employer's failure to respond in a timely manner to the notice of claim filing even if the determination is later reversed on appeal~~ An employer shall respond in a timely and adequate manner to a notice of a claim filing or a written request by the department for information relating to a claim for benefits.

(B) Any violation of subparagraph (A) of this paragraph by an employer or an officer or agent of an employer absent good cause may result in the employer's account being charged for overpayment of benefits paid due to such violation even if the determination is later reversed; provided, however, that upon the finding of three violations of subparagraph (A) of this paragraph within a calendar year resulting in an overpayment of benefits, an employer's account shall be charged for any additional overpayment and shall not be relieved of such charges unless good cause is shown; and

(4) Benefits paid to individuals shall be charged against the Unemployment Trust Fund when benefits are paid but not charged against an employer's experience rating account as provided in this Code section."

SECTION 3.

Said chapter is amended by revising paragraphs (1) and (2) of subsection (d) of Code Section 34-8-193, relating to benefit claims, as follows:

"(d)(1) Except as otherwise provided in this subsection, the maximum benefits payable to an individual in a benefit year shall be the lesser of:

(A) Fourteen times the weekly benefit amount, if this state's average unemployment rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent; or

(B) One-fourth of the base period wages.

If the amount computed is not a multiple of the weekly benefit amount, the total will be adjusted to the nearest multiple of the weekly benefit amount. The duration of benefits shall be extended in accordance with Code Section 34-8-197.

(2) In addition to and subsequent to payment of all benefits otherwise allowed under paragraph (1) of this subsection ~~and without restriction with respect to an individual's benefit year, for claims filed on or after January 1, 2010~~ whenever the average rate of total unemployment in this state, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds 11 percent, weekly unemployment compensation shall be payable under this subsection to any individual who is unemployed, has exhausted all rights to regular unemployment compensation under the provisions of Article 7 of this chapter, and is enrolled and making satisfactory progress, as determined by the Commissioner, in a training program approved by the department, or in a job training program authorized under the Workforce Investment Act of 1998, Public Law 105-220, and not receiving similar stipends or other training allowances for nontraining costs. Each such training program approved by the department or job training program authorized under the Workforce Investment Act of 1998 shall prepare individuals who have been separated from a declining occupation, as designated by the department from time to time, or who have been involuntarily and indefinitely separated from employment as a result

of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation, as designated by the department from time to time. The amount of unemployment compensation payable under this subsection to an individual for a week of unemployment shall be equal to the individual's weekly benefit amount for the individual's most recent benefit year less deductible earnings, if any. The total amount of unemployment compensation payable under this subsection to any individual shall be equal to 14 times the individual's weekly benefit amount for the individual's most recent benefit year, if this state's average unemployment rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent. The provisions of subsection (d) of Code Section 34-8-195 shall apply to eligibility for benefits under this subsection. Except when the result would be inconsistent with other provisions of this subsection, all other provisions of Article 7 of this chapter shall apply to the administration of the provisions of this subsection."

SECTION 4.

Said chapter is further amended by revising Code Section 34-8-196, relating to determination of eligibility for benefits of aliens and other persons performing certain services, as follows:

"34-8-196.

(a) **Benefits based on service in ~~educational institutions~~ employment as defined in subsections (h) and (i) of Code Section 34-8-35.** Benefits based on service in employment as defined in subsections (h) and (i) of Code Section 34-8-35 shall be payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other services subject to this chapter, except as otherwise provided in this Code section~~:~~.

(b) **Benefits based on service in educational institutions.**

(1) For the purposes of this subsection, the term:

(A) 'Educational institution' means any voluntary pre-kindergarten program, elementary or secondary school, postsecondary institution, or other provider of educational services, irrespective of whether such program, school, institution, or other provider is public or private or nonprofit or operated for profit, provided that it:

(i) Is approved, licensed, or issued a permit, grant, or other authority to operate as a program, school, institution, or other provider of educational services by a federal, state, or local government or any of the instrumentalities, divisions, or agencies thereof with the authority to do so; and

(ii) Offers, by or under the guidance of teachers or instructors, an organized course of study or training in a facility or through distance learning which is academic, technical, trade related, or preparation for gainful employment in a recognized occupation.

The Commissioner is authorized to establish by rules or regulations such exceptions or exemptions from the term 'educational institution,' as defined in this paragraph, as he or she shall deem appropriate, consistent with any federal program requirements applicable to this chapter.

(B) 'Educational service contractor' means any public or private employer or other person or entity holding a contractual relationship with any educational institution or other person or entity to provide services to, for, with, or on behalf of any educational institution.

(C) 'Educational service worker' means any person who performs services to, for, with, or on behalf of any educational institution, regardless of whether such person is engaged to perform such services by the educational institution or through an educational service contractor.

~~(1)~~(2) With respect to services performed by an educational service worker in an instructional, research, or principal administrative capacity to, for, with, or on behalf of any educational institution, including those operated by the United States government or any of its instrumentalities, divisions, or agencies, benefits shall not be paid during periods of unemployment if services in such educational service worker capacity were performed in the prior year, term, or vacation period and there is a contract or a reasonable assurance of returning to work for ~~an~~ any such educational institution or any educational service contractor immediately following the period of unemployment. Such periods of unemployment include those occurring:

(A) Between two successive academic terms or years;

(B) During an established and customary vacation period or holiday recess;

(C) During the time period covered by an agreement that provides instead for a similar period between two regular but not successive terms; or

(D) During a period of paid sabbatical leave provided for in the individual's contract.~~; and~~

~~(2)~~(3) With respect to services performed by an educational service worker in any other capacity to, for, with, or on behalf of any educational institution, including those operated by the United States government or any of its instrumentalities, divisions, or agencies, benefits shall not be paid during periods of unemployment if services in such educational service worker capacity were performed in the prior year, term, or vacation period and there is a reasonable assurance of returning to work for ~~an~~ any such educational institution or any educational service contractor immediately following the period of unemployment. If compensation is denied pursuant to this paragraph to an individual, however, and ~~that~~ such individual is not offered an opportunity to perform services for ~~the~~ any educational institution or to provide services to, for, with, or on behalf of any educational institution for any educational service contractor following the unemployed period, such individual shall be entitled to retroactive payment for each week during that period of unemployment a timely claim was filed and benefits were denied solely by reason of this paragraph. Such periods of unemployment include those occurring:

(A) Between two successive academic years or terms; or

(B) During an established and customary vacation period or holiday recess.~~; and~~

~~(3)~~(4) Benefits shall not be paid as specified in paragraphs ~~(1) and~~ (2) and (3) of this subsection to any individual for any week of unemployment if the individual performs such services in an educational institution while in the employ of an educational service agency. For the purposes of this paragraph, the term 'educational service agency' means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

~~(b)~~(c) **Benefits based on services in professional sports.** Benefits shall not be paid to an individual on the basis of any services substantially all of which consist of participating in professional sports or athletic events or of training or preparing to so participate for any week which begins during the period between two successive sport seasons or similar periods if such individual performed such services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the ~~later~~ latter of such seasons or similar periods.

~~(c)~~(d) **Benefits based on services performed by aliens.**

(1) Benefits shall not be paid to an individual based on services performed by an alien unless such alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are payable because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence.

~~(d)~~(e) As used in this Code section, the term 'reasonable assurance' means a written, verbal, or implied agreement between an employer and its employee that such employee will be returned to employment following the period of unemployment."

SECTION 5.

Said chapter is further amended by revising Code Section 34-8-221, relating to review of decision of hearing officer by the board of review, as follows:

"34-8-221.

(a) The board of review may on its own motion affirm, modify, or set aside any decision of an administrative hearing officer on the basis of the evidence previously submitted in such case or direct the taking of additional evidence or may permit any of the parties to such decision to initiate further appeals before the board of review. The board of review shall promptly notify the parties to any proceedings of its findings and decision. The decision of the board shall ~~be~~ become final 15 days from the date the decision is mailed to the parties.

(b) The board of review may, in its discretion and on its own motion, reconsider its ~~final~~ decision at any time within 15 days ~~of the release of the final decision of the board~~ from the date the decision is mailed to the parties. The board shall notify all concerned parties of its intent to reconsider a final decision. Such notice shall stay the process of judicial review until a final decision is released by the board.

(c) The quorum for the board of review shall be two members. No meeting of the board shall be scheduled when it is anticipated that less than two members will be present, and no hearing shall be held nor decision released by the board in which less than two members participated.

(d) In the event only two members are able to vote on a case and one member votes to affirm the decision of the administrative hearing officer but the other member votes to reverse the decision or remand the case for another hearing, the decision of the administrative hearing officer shall stand affirmed.

(e) The Commissioner shall provide the board of review and the office of administrative appeals with proper facilities and assistants for the execution of their functions."

SECTION 6.

Said chapter is further amended by revising Code Section 34-8-223, relating to procedures for judicial review, as follows:

"34-8-223.

(a) Any decision of the board of review, in the absence of a reconsideration as provided in subsection ~~(d)~~ (b) of Code Section ~~34-8-192~~ 34-8-221, shall become final 15 days after the date of notification or mailing. Judicial review shall be permitted only after any party claiming to be aggrieved thereby has exhausted his or her administrative remedies as provided by this chapter. The Commissioner shall be deemed to be a party to any judicial action involving any such decision and shall be represented in any such judicial action by the Attorney General.

(b) Within 15 days after the decision of the board of review has become final, any party aggrieved thereby may secure judicial review by filing a petition against the Commissioner in the superior court of the county where the employee was last employed. In the event the individual was last employed in another state, such appeal shall be filed in Fulton County, Georgia. Any other party to the proceeding before the board of review shall be made a respondent. The petition, which need not be verified but which shall state specifically the grounds upon which a review is sought, shall be served upon the Commissioner ~~or upon such person as the Commissioner may designate,~~ or upon his or her designee within 30 days from the date of filing. Such service upon the Commissioner shall be made by certified mail or statutory overnight delivery, return receipt requested; hand delivery; or in a manner prescribed by the law of this state for service of process to Georgia Department of Labor, Unemployment Insurance Legal Section, Suite 826, 148 Andrew Young International Boulevard, N.E., Atlanta, GA 30303-1751. Such ~~and such~~ service shall be deemed completed service on all parties, but there shall be ~~left with the party~~ so served upon the Commissioner or his

or her designee as many copies of the petition as there are respondents. The Commissioner shall mail one such copy to each such respondent. Within 30 days after the service of the petition, the Commissioner shall certify and file with the superior court all documents and papers and a transcript of all testimony taken in the matter, together with the board of review's findings of fact and decision therein. The Commissioner shall not be required to furnish any person with a copy of the aforementioned documents, papers, or transcripts or the original of these items prior to the Commissioner's filing these items with the court. The Commissioner may also, in his or her discretion, certify to such court questions of law involved in any decision. As a guide for future interpretation of the law, when the Commissioner is aggrieved by any decision of the board of review or deems such decision contrary to the law and no other party enters an appeal therefrom, the Commissioner may, within 20 days after such decision has become final, appeal and certify to the superior court questions of law therein involved. The court shall consider and determine the same and enter a decree accordingly, which shall be subject to further appeal by the Commissioner. In any judicial proceeding under this Code section, the findings of the board of review as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. Such actions and the questions so certified shall be heard in a summary manner and shall be given precedence over all other civil cases except cases to which the state is a material party and cases arising under Chapter 9 of this title. An appeal may be taken from the decision of the superior court to the Court of Appeals in the same manner as is provided in civil cases but not inconsistent with this chapter. No bond shall be required for entering an appeal."

SECTION 7.

Said chapter is further amended by revising Code Section 34-8-253, relating to obedience to subpoena required and self-incrimination, as follows:

"34-8-253.

(a) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the Commissioner, the board of review, ~~an~~ the chief administrative hearing officer, or ~~any~~ their duly authorized ~~representative of any of them~~ representatives or in obedience to ~~the~~ a subpoena ~~of any of~~ issued by them ~~in any cause or proceeding before the Commissioner, the board of review, or an administrative hearing officer~~ on the ground that the testimony or evidence, documentary or otherwise, required of ~~him or her~~ a person may tend to incriminate ~~him or her~~ or subject ~~him or her~~ such person to a penalty or forfeiture. However, no ~~individual~~ person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the ~~individual~~ person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such ~~individual~~ person testifying shall not be exempt from prosecution and punishment for perjury committed in testifying.

(b) The Commissioner, the board of review, the chief administrative hearing officer, or any duly authorized representative of any of them may quash, modify, or withdraw a subpoena issued by them."

SECTION 8.

Said chapter is further amended by revising Code Section 34-8-254, relating to overpayments of benefits, as follows:

"34-8-254.

(a) Any person who has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled or while the person was disqualified from receiving benefits shall, in the discretion of the Commissioner:~~, either~~

(1) Be ~~be~~ liable to have such sums deducted from any future benefits payable to such person under this chapter, with no single deduction to exceed 50 percent of the amount of the payment from which such deduction is made; and~~, or~~

(2) Be ~~shall be~~ liable to repay the Commissioner for the Unemployment Compensation Fund a sum equal to the amount so received by ~~him~~ such person. Such sum shall be collectable in the manner provided by law for the collection of debts or any other method of collection specifically authorized by this chapter.

(b) For the purpose of collecting overpaid benefits when the ~~individual~~ person who owes the payment resides or is employed outside ~~the State of Georgia~~ this state, the Commissioner may enter into an agreement with one or more private persons, companies, associations, or corporations providing debt collection services; provided, however, the Commissioner shall retain legal responsibility and authority for the collection of overpayments of benefits and any debt collection agency shall function merely as an agent of the Commissioner for this purpose. The agreement may provide, at the discretion of the Commissioner, the rate of payment and the manner in which compensation for services shall be paid. The Commissioner shall provide the necessary information for the contractor to fulfill its obligations under the agreement. Any funds recovered shall be transmitted promptly to the Commissioner for deposit into the Unemployment ~~Trust~~ Compensation Fund.

(c)(1) Except as provided in paragraph (2) of this subsection, the ~~The~~ Commissioner may waive the repayment of an overpayment of benefits if the Commissioner determines such repayment to be inequitable.

(2) If any person receives such overpayment because of false representations or willful failure to disclose a material fact by such ~~individual~~ person, inequitability shall not be a consideration and the person shall be required to repay the entire overpayment~~; provided, however, that penalty and interest~~ plus all applicable penalty and interest amounts. Such penalty amounts shall not be waived. Interest accrued on the overpayment ~~are~~ is subject to waiver if the Commissioner determines such waiver to be in the best interest of ~~the~~ this state.

(d) Any person who has received any sum as benefits under this chapter and is subsequently awarded or receives back wages from any employer for all or any portion

of the same period of time for which such person has received such benefits shall be liable, in accordance with subsection (a) of this Code section, to repay a sum equal to the benefits paid during the period for which such back wages were awarded, ~~as follows~~ and the employer shall be:

(1) ~~An employer shall be authorized~~ Authorized to deduct from an award of back wages ~~the~~ an amount ~~of~~ equal to all unemployment benefits received by such person under this chapter with respect to the same period of time. The employer shall remit the amount deducted to the Commissioner for the Unemployment Compensation Fund. Upon receipt of such payment the Commissioner shall then make appropriate adjustments in the unemployment contributions experience rating account of the employer as otherwise provided in this chapter; ~~and~~ or

(2) ~~If the employer is a governmental entity or nonprofit organization that has elected to make payments in lieu of contributions in accordance with Code Section 34-8-158 and the employee is subsequently awarded or otherwise receives payment of back wages for any period of time for which the employee received benefits under this chapter, said employer shall be entitled~~ Entitled to a setoff against the award of back wages in an amount equal to all benefits paid to the employee during the period for which such back wages are awarded or received, if such employer is a governmental entity or nonprofit organization that has elected to make payments in lieu of contributions in accordance with Code Section 34-8-158 and the employee is subsequently awarded or otherwise receives payment of back wages for any period of time for which such employee received benefits under this chapter."

SECTION 9.

Said chapter is further amended by revising Code Section 34-8-255, relating to effect of false statements and misrepresentations made to obtain or increase benefits, as follows:

"34-8-255.

Any person who knowingly makes a false statement or misrepresentation as to a material fact or who knowingly fails to disclose a material fact to obtain or increase benefits under this chapter, either for himself or herself or for any other person, or who knowingly accepts benefits under this chapter to which such person is not entitled shall, upon an appropriate finding by the Commissioner, cease to be eligible for such benefits and an overpayment of benefits shall be computed without the application of deductible earnings as otherwise provided in Code Section 34-8-193. A penalty of ~~10~~ 15 percent ~~may~~ shall be added to the overpayment and become part of the overpayment. Interest shall accrue on the unpaid portion of such overpayment at a rate of 1 percent per month until repaid to the Commissioner for the Unemployment Compensation Fund. Further, such person shall forfeit all unpaid benefits for any weeks of unemployment subsequent to the date of the determination issued by the Commissioner covering said act or omission. The ineligibility shall include any unpaid benefits to which the person would otherwise be entitled during the remainder of any incomplete calendar quarter in which said determination is made and the next four complete calendar quarters immediately following the date of said determination; provided, however, such person shall be

required to repay benefits received for any week as specified in said determination. No determination may be made by the Commissioner more than four years after such occurrence, act, or omission. Any such determination by the Commissioner may be appealed in the same manner as provided for the appeal from an initial determination in Article 8 of this chapter. The provisions of this Code section shall be in addition to, and not in lieu of, any provision contained in any of the other Code sections in this chapter."

SECTION 10.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising paragraph (1) of Code Section 50-13-2, relating to definitions relative to administrative procedure, as follows:

"(1) 'Agency' means each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections and its penal institutions; the State Board of Workers' Compensation; all public authorities except as otherwise expressly provided by law; the State Personnel Board; the Department of Administrative Services or commissioner of administrative services; the Technical College System of Georgia; <u>the Department of Labor when conducting hearings related to unemployment benefits or overpayments of unemployment benefits;</u> the Department of Revenue when conducting hearings relating to alcoholic beverages, tobacco, or bona fide coin operated amusement machines or any violations relating thereto; the Georgia Tobacco Community Development Board; the Georgia Higher Education Savings Plan; any school, college, hospital, or other such educational, eleemosynary, or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state. The term 'agency' shall include the State Board of Education and Department of Education, subject to the following qualifications:

(A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid rules adopted by the State Board of Education and Department of Education prior to January 1, 1990, are ratified and validated and shall be effective until January 1, 1991, whether or not such rules were adopted in compliance with the requirements of this chapter; and

(B) Effective January 1, 1991, any rule of the State Board of Education or Department of Education which has not been proposed, submitted, and adopted in accordance with the requirements of this chapter shall be void and of no effect."

SECTION 11.

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 4 of this Act shall become effective on January 1, 2015.

SECTION 12.

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

Representative Hamilton of the 24th moved that the House agree to the Senate substitute to HB 714.

On the motion, 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
E Barr	Y Dickey	Y Hawkins	Y Morris	Y Spencer
E 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	Holcomb	N Oliver	N Stovall
N Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N 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	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	E Rice	Y Watson, S
Y Carson	N Frazier	N Kendrick	Y Riley	Y Welch
Y Carter	N Frye	Y Kidd	Y Roberts	Weldon
Y Casas	N 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	E Rutledge	Y Willard
N 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 motion, the ayes were 107, nays 64.

The motion prevailed.

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

Mr. Speaker:

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

HB 828. By Representatives Mabra of the 63rd, Hightower of the 68th, Willard of the 51st, Kelley of the 16th, Stephenson of the 90th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to prohibit the solicitation, release, or sale of automobile accident information; to provide for definitions; to provide for exceptions; to provide for penalties; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, so as to change certain provisions relating to written authorization to obtain motor vehicle accident reports; 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 438. By Representatives Powell of the 171st, Welch of the 110th, Willard of the 51st, Allison of the 8th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Code Section 15-23-7 of the Official Code of Georgia Annotated, relating to collection of additional legal costs in civil actions for purposes of providing court-connected or court-referred alternative dispute resolution programs, so as to increase the maximum amount of such additional cost; to repeal conflicting laws; and for other purposes.

HB 778. By Representatives Pezold of the 133rd, Peake of the 141st, Ramsey of the 72nd, Epps of the 144th, Dickey of the 140th and others:

A BILL to be entitled an Act to amend Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to definitions relative to food service establishments, so as to exempt certain nonprofit, charitable entities from regulation; to repeal conflicting laws; and for other purposes.

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.

HB 1009. By Representatives Glanton of the 75th, Jacobs of the 80th, Abrams of the 89th, Jordan of the 77th, Stovall of the 74th and others:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use taxes in general, so as to extend the date for the applicability of an exemption to the local sales and use tax cap for a county that levied a tax for the purposes of a metropolitan area system of public transportation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker assumed the Chair.

The following member was recognized during the period of Evening Orders and addressed the House:

Representative Sims of the 169th.

Representative Wilkinson of the 52nd assumed the chair.

The following member was recognized during the period of Evening Orders and addressed the House:

Representative Lindsey of the 54th.

The Speaker assumed the Chair.

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

Mr. Speaker:

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

HB 966. By Representatives Cooper of the 43rd, Oliver of the 82nd, Rutledge of the 109th, Watson of the 166th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, so as to authorize licensed health practitioners to prescribe opioid antagonists to certain individuals and entities pursuant to a protocol; to provide for legislative findings; to amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to provide for grants to ensure availability of opioid antagonists; to authorize emergency medical services personnel to administer parenteral injections of opioid antagonists; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

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

HB 783. By Representatives Hitchens of the 161st, Burns of the 159th, Knight of the 130th, Pruett of the 149th, Strickland of the 111th and others:

A BILL to be entitled an Act to amend Title 27 and Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to game and fish and to waters of the state, ports, and watercraft, respectively, so as to update provisions relating to rules and regulations used to establish criminal violations; to revise provisions relating to the implied consent warning for hunting under the influence cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 920. By Representatives Teasley of the 37th, Golick of the 40th, Smith of the 134th, Carson of the 46th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance, so as to provide for unclaimed life insurance benefits provisions; to provide for a short title; to provide for a purpose; to provide for definitions; to provide for insurer conduct; to provide for insurer unclaimed property reporting; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 9:40 o'clock, this evening.

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 2062. By Representatives Taylor of the 173rd, Carter of the 175th and Watson of the 172nd:

A RESOLUTION honoring the life and memory of Margaret Clisby Powell Flowers; and for other purposes.

HR 2063. By Representatives Beasley-Teague of the 65th, Anderson of the 92nd, Stephenson of the 90th, Abrams of the 89th and Dukes of the 154th:

A RESOLUTION recognizing and commending Bishop C.D. Gearing, Jr.; and for other purposes.

HR 2064. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Eugene Miller; and for other purposes.

HR 2065. By Representative Jones of the 53rd:

A RESOLUTION honoring the lives and memories of Shatikey and Demiya Griffin; and for other purposes.

HR 2066. By Representative Nimmer of the 178th:

A RESOLUTION recognizing and commending Mabry Suzanne Rigdon; and for other purposes.

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

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 897. By Representatives Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate insists on its amendment to the following bill of the House:

HB 947. By Representatives Clark of the 98th, Hamilton of the 24th, Golick of the 40th, Barr of the 103rd, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to master and servant, so as to provide for the payment of wages by credit to a prepaid debit card; to require employers to offer employees certain choices relating to the payment of wages; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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 Senate adheres to its disagreement to the House amendment and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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 President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Golden of the 8th, and Bethel of the 54th.

Mr. Speaker:

The Senate has agreed to the House amendment as amended by the Senate to the following bill of the Senate:

SB 292. By Senators Unterman of the 45th, Wilkinson of the 50th, Hill of the 32nd, Dugan of the 30th, Hill of the 4th and others:

A BILL to be entitled an Act to amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, so as to establish within the Department of Public Health the Alzheimer's Disease Registry; to provide for the purpose of the registry; to provide for promulgation and criteria of rules; to provide for confidentiality of data; to provide for compliance with P. L. 104-191, the federal Health Insurance Portability and Accountability Act of 1996; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 947. By Representatives Clark of the 98th, Hamilton of the 24th, Golick of the 40th, Barr of the 103rd, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to master and servant, so as to provide for the payment of wages by

credit to a prepaid debit card; to require employers to offer employees certain choices relating to the payment of wages; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Clark of the 98th moved that the House insist on its position in disagreeing to the Senate amendment to HB 947 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Clark of the 98th, Ramsey of the 72nd and Hamilton of the 24th.

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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.

Representative Hatchett of the 150th moved that the House adhere to its position in insisting on its amendment to SB 391 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Hatchett of the 150th, Coomer of the 14th and Watson of the 166th.

HB 753. By Representatives Powell of the 32nd and Hitchens of the 161st:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions of

identifying and regulating motor vehicles, so as to provide for federal regulatory requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 32-6-5 of the Official Code of Georgia Annotated, relating to closure of or limiting access to roads due to inclement weather and exceptions for certain vehicle operators, so to expand the classification of vehicles that require tire chains to travel on a road declared as a limited access road due to inclement weather conditions; to provide for penalties; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for federal regulatory requirements; to provide for further restrictions on the use of controlled-access roadways; to provide that certain fees may be included in liens upon abandoned motor vehicles; to provide for the disposition of proceeds from the public sale of an abandoned motor vehicle; 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 32-6-5 of the Official Code of Georgia Annotated, relating to closure of or limited access to roads due to inclement weather and exceptions for certain vehicle operators, is amended by revising as follows:

"32-6-5.

(a) The department may close or limit access to any portion of road on the state highway system due to <u>a declared state of emergency for</u> inclement weather <u>conditions</u> that results in dangerous driving conditions. There shall be erected or posted signage of adequate size indicating that a portion of the state highway system has been closed or access has been limited. When the department determines a road shall have limited access due to <u>a declared state of emergency for</u> inclement winter weather conditions, notice shall be given to motorists through posted signage that motor vehicles must be equipped with tire chains, four-wheel drive with adequate tires for existing conditions, or snow tires with a manufacturer's all weather rating in order to proceed. Such signage shall inform motorists that it shall be unlawful to proceed on such road without such equipment. With the exception of buses, operators of commercial <u>motor</u> vehicles <u>as defined by Code Section 40-1-1</u> with four or more drive wheels traveling on a road declared as limited access due to <u>a declared state of emergency for</u> inclement winter weather conditions shall affix tire chains to ~~at least four of the~~ <u>each of the outermost</u> drive wheel tires. Bus <u>and motor coach</u> operators shall affix tire chains to at least two of the drive wheel tires before proceeding on a road with limited access due to <u>a</u>

declared state of emergency for inclement winter weather conditions. For purposes of this Code section, the term 'tire chains' means metal chains which consist of two circular metal loops, positioned on each side of a tire, connected by not less than nine evenly spaced chains across the tire tread or any other traction devices ~~capable of providing traction equal to or exceeding that of such metal chains under similar conditions~~ as provided for by rules and regulations of the commissioner of public safety.

(b) A driver of a motor vehicle who causes an accident or blocks the flow of traffic while failing to comply with the requirements of subsection (a) of this Code section when access is limited on the state highway system due to a declared state of emergency for inclement weather conditions shall be fined up to $1,000.00.

~~(b)~~(c) This Code section shall not apply to a tow operator towing a motor vehicle or traveling to a site from which a motor vehicle shall be towed or to emergency responders traveling the roadway in order to fulfill their duties."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-1-8, relating to safe operations of motor carriers and commercial motor vehicles, as follows:

"40-1-8.

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

(1) 'Commissioner' means the commissioner of public safety.

(2) 'Department' means the Department of Public Safety.

(3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and effect on January 1, 2014.

(b) The commissioner shall have the authority to promulgate rules and regulations for the safe operation of motor carriers, the safe operation of commercial motor vehicles and drivers, and the safe transportation of hazardous materials. Any such rules and regulations promulgated or deemed necessary by the commissioner shall include, but are not limited to, the following:

(1) Every commercial motor vehicle and all parts thereof shall be maintained in a safe condition at all times; and the lights, brakes, ~~and~~ equipment, and all other parts or accessories shall meet such safety requirements ~~as the commissioner shall from time to time promulgate~~ designated by present regulations under Parts 393 and 396;

(2) Every driver employed to operate a motor vehicle for a motor carrier shall:

(A) Be at least 18 years of age to operate a motor vehicle for a motor carrier intrastate and at least 21 years of age to operate a motor vehicle for a motor carrier interstate;

(B) Meet the qualification requirements the commissioner shall from time to time promulgate;

(C) Be of temperate habits and good moral character;

(D) Possess a valid driver's license;

(E) Not use or possess prohibited drugs or alcohol while on duty; and

(F) Be fully competent and sufficiently rested to operate the motor vehicle under his or her charge;

(3) Accidents arising from or in connection with the operation of commercial motor vehicles shall be reported to the commissioner of transportation in such detail and in such manner as the commissioner of transportation may require;

(4) The commissioner shall require each commercial motor vehicle to have attached such distinctive markings as shall be adopted by the commissioner. Such identification requirements shall comply with the applicable provisions of the federal Unified Carrier Registration Act of 2005; and

(5) The commissioner shall provide distinctive rules for the transportation of unmanufactured forest products in intrastate commerce to be designated the 'Georgia Forest Products Trucking Rules.'

(c)(1) Regulations governing the safe operations of motor carriers, commercial motor vehicles and drivers, and the safe transportation of hazardous materials may be adopted by administrative order, including, but not limited to, by referencing compatible federal regulations or standards without compliance with the procedural requirements of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such federal regulations or standards shall be maintained on file by the department and made available for inspection and copying by the public, by means including, but not limited to, posting on the department's Internet site. The commissioner may comply with the filing requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State the name and designation of such rules, regulations, standards, and orders. The courts shall take judicial notice of rules, regulations, standards, or orders so adopted or published.

(2) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in full force and effect until such time as the commissioner of public safety adopts, issues, or promulgates new rules, regulations, or orders pursuant to the provisions of this Code section.

(d)(1) The commissioner may, pursuant to rule or regulation, specify and impose civil monetary penalties for violations of laws, rules, and regulations relating to driver and motor carrier safety and transportation of hazardous materials. Except as may be hereafter authorized by law, the maximum amount of any such monetary penalty shall not exceed the maximum penalty authorized by law or rule or regulation for the same violation immediately prior to July 1, 2005.

(2) A cause of action for the collection of a penalty imposed pursuant to this subsection may be brought in the superior court of the county where the principal place of business of the penalized company is located or in the superior court of the county where the action giving rise to the penalty occurred.

(e) The commissioner is authorized to adopt such rules and orders as he or she may deem necessary in the enforcement of this Code section. Such rules and orders shall have the same dignity and standing as if such rules and orders were specifically provided in this Code section. The commissioner is authorized to establish such

exceptions or exemptions from the requirements of this Code section, as he or she shall deem appropriate, consistent with any federal program requirements, and consistent with the protection of the public health, safety, and welfare.

(f)(1) The commissioner may designate members of the department, pursuant to Article 5 of Chapter 2 of Title 35, to perform regulatory compliance inspections. Members of county, municipal, campus, and other state agencies may be designated by the commissioner to perform regulatory compliance inspections only of vehicles, drivers, and cargo in operation, and may only enforce the provisions of rules and regulations promulgated under this Code section or Article 2 of this chapter subject to the provisions of a valid agreement between the commissioner and the county, municipal, campus, or other state agency.

(2) Unless designated and authorized by the commissioner, no members of county, municipal, campus, and other state agencies may perform regulatory compliance inspections.

(g) No person shall drive or operate, or cause the operation of, a vehicle in violation of an out-of-service order. As used in this subsection, the term 'out-of-service order' means a temporary prohibition against operating as a motor carrier or driving or moving a vehicle, freight container or any cargo thereon, or any package containing a hazardous material.

(h) Unless otherwise provided by law, a motor carrier or operator of a commercial motor vehicle shall comply with ~~the~~ present regulations as follows:

(1) Motor carrier safety standards found in 49 C.F.R. Part 391;

(2) Motor carrier safety standards found in 49 C.F.R. Part 392, including but not limited to the seatbelt ~~Seatbelt~~ usage requirements ~~found~~ in 49 C.F.R. Section 392.16; and

(3) Hours of service and record of duty status requirements of 49 C.F.R. Part 395.

(i) A person failing to comply with the requirements of paragraph (2) of subsection (h) of this Code section shall be guilty of the misdemeanor offense of failure to wear a seat safety belt while operating a commercial motor vehicle and, upon conviction thereof, shall be fined not more than $50.00 but shall not be subject to imprisonment. The costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against a person for conviction thereof. No points shall be added pursuant to Code Section 40-5-57 and no additional fines or penalties shall be imposed.

(j) Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this Code section or any order, rule, or regulation adopted pursuant to this Code section, or who procures, aids, or abets a violation of this Code section or such rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code section may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of this title."

SECTION 3.

Said title is further amended by revising Code Section 40-6-51, relating to further restrictions on use of controlled-access roadways, as follows:

"40-6-51.

(a)(1) Any motor vehicle with more than six wheels and commercial motor vehicles as defined by Code Section 40-1-1 shall not travel on any portions of Interstates 20, 75, 85 or Georgia Highway 400 that are located within the arc of Interstate 285 unless the driver of such motor vehicle is:

(A) Engaging in a pick up or delivery to or from a shipper located inside the arc of Interstate 285;

(B) Traveling to or from such motor vehicle's terminal facility located inside the arc of Interstate 285;

(C) Traveling to or from a repair facility located inside the arc of Interstate 285 for service; or

(D) Traveling to or from his or her residence which is located inside the arc of Interstate 285.

(2) The Department of Transportation by order and local authorities by ordinance may regulate or prohibit the use of any controlled-access roadway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The Department of Transportation or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable, and when such devices are in place no person shall disobey the restrictions stated thereon.

(c) For purposes of this Code section, roadways within the jurisdiction of the Department of Transportation and roadways within the jurisdiction of local authorities shall be as set forth in Code Section 32-4-1.

(d) A driver of a motor vehicle failing to comply with the requirements of subsection (a) of this Code section shall be fined $150.00. A driver of a motor vehicle failing to comply with subsection (a) of this Code section during a declared state of emergency for inclement weather conditions shall be fined $1,000.00."

SECTION 4.

Said title is further amended by revising Code Section 40-11-4, relating to the creation of liens and court authority to foreclose, as follows:

"40-11-4.

(a) Any person who removes or stores any motor vehicle which is or becomes an abandoned motor vehicle shall have a lien on such vehicle for the reasonable fees connected with such removal or storage plus the cost of any notification or advertisement up to the date of retrieval or public sale of such vehicle. Such lien shall exist if the person moving or storing such vehicle is in compliance with Code Section 40-11-2.

(b) The lien acquired under subsection (a) of this Code section may be foreclosed in any court which is competent to hear civil cases, including, but not limited to, magistrate courts. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts."

SECTION 5.

Said title is further amended by revising paragraph (2) of Code Section 40-11-5, relating to lien foreclosure procedure for abandoned motor vehicles, as follows:

"(2) The person desiring to foreclose a lien on an abandoned motor vehicle shall, by certified or registered mail or statutory overnight delivery, make a demand upon the owners for the payment of the reasonable fees for removal and storage plus the costs of any notification or advertisement up to the date of retrieval or public sale of such vehicle. Such written demand shall include an itemized statement of all charges and may be made concurrent with the notice required by subsection (f) of Code Section 40-11-2. Such demand shall be made on a form prescribed by rule or regulation of the Department of Revenue and shall notify the owner of his or her right to a judicial hearing to determine the validity of the lien. The demand shall further state that failure to return the written demand to the lien claimant, file with a court of competent jurisdiction a petition for a judicial hearing, and provide the lien claimant with a copy of such petition, all within ten days of delivery of the lien claimant's written demand, shall effect a waiver of the owner's right to such a hearing prior to sale. The form shall also provide the suspected owner with the option of disclaiming any ownership of the vehicle, and his or her affidavit to that effect shall control over anything contrary in the records of the Department of Revenue. No such written demand shall be required if the identity of the owner cannot be ascertained and the notice requirements of subsection (g) of Code Section 40-11-2 have been complied with;"

SECTION 6.

Said title is further amended by revising Code Section 40-11-8, relating to the disposition of proceeds from a foreclosure sale of an abandoned motor vehicle, as follows:

"40-11-8.

The clerk of the court shall retain the remaining balance of the proceeds of a sale under Code Section 40-11-6, after satisfaction of liens, security interests, and debts, for a period of 12 months; and, if no claim has been filed against such proceeds by the owner of the abandoned motor vehicle or any interested party, then he or she shall pay such remaining balance as follows:

(1) If the abandoned motor vehicle came into the possession of the person creating the lien other than at the request of a peace officer, the proceeds of the sale shall be divided equally and paid into the general fund of the county in which the sale was made, ~~and~~ into the general fund of the municipality, if any, in which the sale was made, and to the person who placed the lien on the motor vehicle which resulted in foreclosure;

(2) If the abandoned motor vehicle came into the possession of the person creating the lien at the request of a police officer of a municipality, the proceeds of the sale shall be divided equally and paid into the general fund of the municipality and to the person who placed the lien on the motor vehicle which resulted in foreclosure;

(3) If the abandoned motor vehicle came into the possession of the person creating the lien at the request of a county sheriff, deputy sheriff, or county police officer, the proceeds of the sale shall be divided equally and paid into the general fund of the county in which the sale was made~~;~~ and to the person who placed the lien on the motor vehicle which resulted in foreclosure; or

(4) If the abandoned motor vehicle came into the possession of the person creating the lien at the request of a member of the Georgia State Patrol or other employee of the State of Georgia, the proceeds of the sale shall be divided equally and paid into the general fund of the county in which the sale was made and to the person who placed the lien on the motor vehicle which resulted in foreclosure."

SECTION 7.

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

Representative Powell of the 32nd moved that the House agree to the Senate substitute to HB 753.

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

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
N Barr
E 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 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
N Dunahoo
Y Duncan
Y Dutton
Y Efstration
Y Ehrhart
Y England
Epps, C
Y Epps, J
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Gregory
Hamilton
Harbin
Y Harden
Harrell
Y Hatchett
N 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 McCall
Y McClain
Y Meadows
Y Mitchell
Y Moore
Y Morgan
Morris
Mosby
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
E Rice
Y Riley
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
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
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	E 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
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 motion, the ayes were 158, nays 7.

The motion prevailed.

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

Mr. Speaker:

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

HB 773. By Representatives Dickey of the 140th, Epps of the 144th, Roberts of the 155th, Talton of the 147th and Shaw of the 176th:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to dangerous instrumentalities and practices, so as to change provisions relating to discharging a gun or pistol near a public highway or street; to provide for definitions; to provide for exceptions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 842. By Representatives Willard of the 51st, Powell of the 171st, Bruce of the 61st and Abrams of the 89th:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions for certiorari and appeal to appellate courts generally, so as to clarify provisions relating to payment of costs and indigency affidavits; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 897. By Representatives Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Dudgeon of the 25th moved that the House insist on its position in disagreeing to the Senate substitute to HB 897 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Dudgeon of the 25th, Coleman of the 97th and Jones of the 47th.

HB 511. By Representatives Dempsey of the 13th, Watson of the 166th, Cooper of the 43rd, Sims of the 123rd, Clark of the 101st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to provide for a pilot program to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions; to provide for eligibility; to provide for requirements; to provide for a review panel; to provide for an evaluation report on the pilot program; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, so as to provide for a pilot program to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions; to provide a definition; to provide for eligibility; to provide for requirements; to provide for a review panel; to provide for an evaluation report on the pilot program; to provide for automatic repeal; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, is amended by adding a new Code section to read as follows:

"31-2-12.

(a) As used in this Code section, the term 'state health insurance plan' means:

(1) The state employees' health insurance plan established pursuant to Article 1 of Chapter 18 of Title 45;

(2) The health insurance plan for public school teachers established pursuant to Subpart 2 of Part 6 of Article 17 of Chapter 2 of Title 20; and

(3) The health insurance plan for public school employees established pursuant to Subpart 3 of Part 6 of Article 17 of Chapter 2 of Title 20.

(b) Beginning six months after the effective date of this Code section, the department shall conduct a two-year pilot program to provide coverage for the treatment and management of obesity and related conditions under a state health insurance plan. The pilot program will provide benefits for medically necessary bariatric procedures for participants selected for inclusion in the pilot program.

(c) Participation in the pilot program shall be limited to no more than 75 individuals per year, to be selected in a manner determined by the department. Any person who has elected coverage under a state health insurance plan shall be eligible to be selected to participate in the pilot program in accordance with criteria established by the department which shall include, but not be limited to:

(1) Participation in a state health insurance plan for at least 12 months;

)2(Completion of a health risk assessment through a state health insurance plan;

(3) A body mass index of:

(A) Greater than 40; or

(B) Greater than 35 with one or more co-morbidities such as diabetes, hypertension, gastro-esophageal reflux disease, sleep apnea, or asthma;

(4) Consent to provide personal and medical information to a state health insurance plan;
(5) Non-tobacco user;
(6) No other primary group health coverage or primary coverage with Medicare; and
(7) Must have been covered under a state health insurance plan for two years immediately prior to the pilot program and must express an intent to continue coverage under such state health insurance plan for two years following the approved surgical procedure date.

(d) Eligible individuals must apply to participate in the pilot program. The individual and his or her physician shall complete and submit an obesity treatment program application to the department no later than February 1 for each year of the pilot program. The department's contracted health insurance carrier shall review the criteria contained in subsection (c) of this Code section to determine qualified applicants for the pilot program.

(e) The selected participants shall be eligible to receive a multi-disciplinary health evaluation at a facility located within the State of Georgia which is designated by the American Society for Metabolic and Bariatric Surgery as a Bariatric Surgery Center of Excellence. The bariatric surgical procedures covered in the pilot program are:
(1) Gastric band;
(2) Laparoscopic sleeve gastrectomy; and
(3) Rouen-Y gastric bypass.

The participants shall use the department's contracted health insurance carrier to enroll in a case management program and to receive prior authorization for a surgical procedure provided pursuant to the pilot program. The health insurance carrier shall provide case management and patient follow-up services. Benefits for a bariatric surgical procedure under the pilot program shall be provided only when the surgical procedure is performed at a Center of Excellence within the State of Georgia.

(f) All health care services provided pursuant to the pilot program shall be subject to the health insurance carrier's plan of benefits and policy provisions. Complications that arise after the discharge date are subject to the health insurance carrier's plan of benefits and policy provisions.

(g) Participants must agree to comply with any and all terms and conditions of the pilot program including, but not limited to, participation and reporting requirements. Participation requirements shall include a 12 month postsurgery case management program. Each participant must also agree to comply with any and all requests by the department for postsurgical medical and productivity information, and such agreement shall survive his or her participation in a state health insurance plan.

(h) A panel shall review the results and outcomes of the pilot program beginning six months after program initiation and shall conduct subsequent reviews every six months for the remainder of the pilot program. The panel shall be composed of the following members, appointed by the Governor:
(1) A representative of a state health insurance plan;

(2) A representative of the state contracted health insurance carrier or carriers providing coverage under the pilot program; and

(3) At least two physicians who carry a certification by the American Society for Metabolic and Bariatric Surgery.

(i) The department shall provide a final report by December 15 of the last year of the pilot program to the chairpersons of the House Committee on Health and Human Services, the Senate Health and Human Services Committee, the House Committee on Appropriations, and the Senate Appropriations Committee. The report shall include, at a minimum:

(1) Whether patients in the pilot have experienced:

(A) A reduction in body mass index, and if so, the average amount of reduction; or

(B) The reduction or elimination of co-morbidities, and if so, which co-morbidities were reduced or eliminated;

(2) The total number of individuals who applied to participate in the pilot program;

(3) The total number of participants who enrolled in the pilot program;

(4) The average cost of each procedure conducted under the pilot program, including gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass;

(5) The total cost of each participant's annual health care costs prior to the surgical procedure and for each of the subsequent post-procedure years for the three years following the surgical procedure; and

(6) The percentage of participants still employed by the state 12 months following the surgical procedure and 24 months following the surgical procedure, respectively.

(j) This Code section shall stand repealed 42 months after the effective date of such Code section."

SECTION 2.

This Act shall become effective only if funds are specifically appropriated for the purposes of this Act in an Appropriations Act enacted by the General Assembly. If funds are so appropriated, then this Act shall become effective on the later of the date on which such Appropriations Act becomes effective or the beginning date of the fiscal year for which such appropriations are made.

SECTION 3.

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

Representative Dempsey of the 13th moved that the House agree to the Senate substitute to HB 511.

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

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

Y Atwood
Y Ballinger
N Barr
E Battles
Y Beasley-Teague
Y Bell
Y Bennett
Y Bentley
Y Benton
Y Beverly
Y Black
N Braddock
Y Broadrick
N Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
N Caldwell, M
Y Carson
Y Carter
N Casas
Y Chandler
Y Channell
Y Chapman
Y Cheokas
Y Clark, J
Y Clark, V
Coleman
N Cooke
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
N Dudgeon
Y Dukes
N Dunahoo
N Duncan
N Dutton
N Efstration
Y Ehrhart
Y England
Epps, C
Y Epps, J
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Fullerton
Gardner
N Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
N Gravley
Y Greene
N Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
N Holt
Y Houston
Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Jones, J
N Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
N Kirby
Y Knight
Y Lindsey
Y Lumsden
Y Mabra
Y Marin
Martin
Y Maxwell
Y Mayo
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
Pruett
N Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
N Rynders
Y Scott
N Setzler
Y Sharper
Y Shaw
Y Sims, B
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
E Teasley
Y Thomas, A.M.
N Turner
Y Waites
Y Watson, B
Y Watson, S
Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
Y Williams, E
N Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 133, nays 29.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following resolution of the Senate:

SR 415. By Senators Shafer of the 48th, Chance of the 16th, Staton of the 18th, Miller of the 49th, Hill of the 32nd and others:

A RESOLUTION proposing an amendment to the Constitution so as to prohibit raising the rate of state income taxes currently in effect; to provide for

submission of this amendment for ratification or rejection; and for other purposes.

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

HB 601. By Representatives Maxwell of the 17th, Battles of the 15th, Weldon of the 3rd, Buckner of the 137th and Brooks of the 55th:

A BILL to be entitled an Act to amend Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to the Judges of the Probate Courts Retirement Fund of Georgia, so as to define certain terms; to restrict and repeal an automatic cost-of-living benefit increase; to provide for a portion of fines and forfeited bonds for criminal, quasi-criminal, and civil cases for violating state statutes or traffic laws be paid to the fund; to provide for a member contribution; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 755. By Representatives Powell of the 171st, Meadows of the 5th, England of the 116th, Knight of the 130th, McCall of the 33rd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for a revised definition of forest land fair market value; to provide for conditions, procedures, and limitations for ad valorem property tax litigation in superior court; to provide for conditions, procedures, and limitations on the approval of tax digests when assessments are in arbitration or on appeal; to provide for the valuation of property which is under appeal as to its assessed value; to provide for procedures, conditions, and limitations regarding refunds of taxes and license fees by counties and municipalities; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 783. By Representatives Hitchens of the 161st, Burns of the 159th, Knight of the 130th, Pruett of the 149th, Strickland of the 111th and others:

A BILL to be entitled an Act to amend Title 27 and Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to game and fish and to waters of the state, ports, and watercraft, respectively, so as to update provisions relating to rules and regulations used to establish criminal violations; to revise provisions relating to the implied consent warning for hunting under the influence cases; to provide for related matters; to provide

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

HB 816. By Representatives Williamson of the 115th, England of the 116th, Brockway of the 102nd, Fludd of the 64th, Gravley of the 67th and others:

A BILL to be entitled an Act to amend Code Section 48-8-2 of the Official Code of Georgia Annotated, relating to definitions relative to state sales and use taxes, so as to change a certain definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 826. By Representatives Setzler of the 35th, Gravley of the 67th, Pruett of the 149th, Golick of the 40th, Dunahoo of the 30th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 11 of Title 16 and Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A., relating to dangerous instrumentalities and practices and public school disciplinary tribunals, respectively, so as to change provisions relating to carrying weapons within certain school safety zones and at school functions; to amend Chapter 11 of Title 15, Title 16, Chapter 2 of Title 20, and Code Section 40-5-22 of the O.C.G.A., relating to the Juvenile Code, crimes and offenses, elementary and secondary education, and persons not to be licensed, minimum ages for licensees, and school attendance requirements, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 920. By Representatives Teasley of the 37th, Golick of the 40th, Smith of the 134th, Carson of the 46th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 25 of Title 33 of the Official Code of Georgia Annotated, relating to life insurance, so as to provide for unclaimed life insurance benefits provisions; to provide for a short title; to provide for a purpose; to provide for definitions; to provide for insurer conduct; to provide for insurer unclaimed property reporting; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 828. By Representatives Mabra of the 63rd, Hightower of the 68th, Willard of the 51st, Kelley of the 16th, Stephenson of the 90th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to prohibit the solicitation, release, or sale of automobile accident information; to provide for definitions; to provide for exceptions; to provide for penalties; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, so as to change certain provisions relating to written authorization to obtain motor vehicle accident reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to prohibit the solicitation, release, or sale of automobile accident information; to provide for definitions; to provide for exceptions; to provide for penalties; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, so as to change certain provisions relating to written authorization to obtain motor vehicle accident reports; 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 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by repealing Code Section 33-24-53, relating to prohibition of compensation for referrals or recommendations to attorneys and penalties, in its entirety and by enacting a new Code Section 33-24-53 to read as follows:

"33-24-53.

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

(1) 'Capper,' 'runner,' or 'steerer' means a person who receives a pecuniary benefit from a practitioner or health care service provider, whether directly or indirectly, to solicit, procure, or attempt to procure a client, patient, or customer at the direction or request of, or in cooperation with, a practitioner or health care service provider whose purpose is to obtain benefits under a contract of insurance or to assert a claim against an insured or an insurer for providing services to the client, patient, or customer. Capper, runner, or steerer shall not include:

(A) Any insurance company or agent or employee thereof who provides referrals or recommendations to its insureds; or

(B) A practitioner or health care service provider who procures clients, patients, or customers through the use of public media or by referrals or recommendations from other practitioners or health care service providers.

(2) 'Practitioner' means an attorney, health care professional, owner or partial owner of a health care practice or facility, or any person employed or acting on behalf of any of the individuals in this paragraph.

(3) 'Public media' means telephone directories, professional directories, newspapers and other periodicals, radio and television, billboards, and mailed or electronically transmitted written communications that do not involve in-person contact with a specific prospective client, patient, or customer.

(b) Except as provided for in paragraph (5) of subsection (a) of Code Section 50-18-72, it is unlawful for any person in an individual capacity or in a capacity as a law enforcement officer, law enforcement records staff member, wrecker services staff member, emergency staff member, physician, hospital employee, or attorney to solicit, release, or sell any information relating to the parties of a motor vehicle collision for personal financial gain. This subsection shall not apply to mass public media advertisement and solicitation.

(c) It is unlawful for:

(1) Any person in an individual capacity or in a capacity as a public or private employee or any firm, corporation, partnership, or association to act as a capper, runner, or steerer for any practitioner or health care service provider. This paragraph shall not prohibit an attorney or health care provider from making a referral and receiving compensation as is permitted under applicable professional rules of conduct; and

(2) Any practitioner or health care service provider to compensate or give anything of value to a person acting as a capper, runner, or steerer. It is also unlawful for any capper, runner, or steerer to recommend or secure a practitioner's or health care service provider's employment by a client, patient, or customer if such practitioner or health care service provider obtains or intends to obtain benefits under a contract of insurance or asserts a claim against an insured or an insurer for providing services to the client, patient, or customer.

(d) Any natural person convicted of a violation of this Code section shall, on the first offense, be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment of not less than 30 days and a fine not to exceed $1,000.00. Any natural person convicted of a second or subsequent violation of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not more than ten years and by a fine of not more than $100,000.00 per violation."

SECTION 2.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, is amended by revising paragraph (5) of subsection (a) as follows:

"(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the submission of a written statement of need by the requesting party to be provided to the custodian of records and to set forth the need for the report pursuant to this Code section; provided, however, that any person or entity whose name or identifying information is contained in a Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or through a lawyer or other representative, to receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle Accident Reports shall not be available in bulk for inspection or copying by any person absent a written statement showing the need for each such report pursuant to the requirements of this Code section. For the purposes of this subsection, the term 'need' means that the natural person or legal entity who is requesting in person or by representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

(A) Has a personal, professional, or business connection with a party to the accident;

(B) Owns or leases an interest in property allegedly or actually damaged in the accident;

(C) Was allegedly or actually injured by the accident;

(D) Was a witness to the accident;

(E) Is the actual or alleged insurer of a party to the accident or of property actually or allegedly damaged by the accident;

(F) Is a prosecutor or a publicly employed law enforcement officer;

(G) Is alleged to be liable to another party as a result of the accident;

(H) Is an attorney stating that he or she needs the requested reports as part of a criminal case, or an investigation of a potential claim involving contentions that a roadway, railroad crossing, or intersection is unsafe;

(I) Is gathering information as a representative of a news media organization; provided, however, that such representative submits a statement affirming that the use of such accident report is in compliance with Code Section 33-24-53. Any person who knowingly makes a false statement in requesting such accident report shall be guilty of a violation of Code Section 16-10-20;

(J) Is conducting research in the public interest for such purposes as accident prevention, prevention of injuries or damages in accidents, determination of fault in an accident or accidents, or other similar purposes; provided, however, that this subparagraph shall apply only to accident reports on accidents that occurred more than ~~30~~ 60 days prior to the request and which shall have the name, street address, telephone number, and driver's license number redacted; or

(K) Is a governmental official, entity, or agency, or an authorized agent thereof, requesting reports for the purpose of carrying out governmental functions or legitimate governmental duties;"

SECTION 3.

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

Representative Mabra of the 63rd moved that the House agree to the Senate substitute to HB 828.

On the motion, 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
E 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 Channell
N Chapman
Y Cheokas
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
Y Ehrhart
Y England
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
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 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
Peake
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E 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
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 167, nays 2.

The motion prevailed.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 20, 2014

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

SB 92 Taxation/Revenue; add public transit to authorized purposes for proceeds of excise taxes (Substitute)(W&M-Abrams-89th) Fort-39th (AM# 34 0661)

SB 93 Wildlife; authorize the use of suppressors on hunting firearms under certain circumstances (Substitute)(GF&P-Powell-32nd) Heath-31st

SB 291 Georgia Adult and Aging Services Agency; create (HumR-Cooper-43rd) Unterman-45th (Rules Committee Substitute)

Structured Rule

None

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

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

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

SB 291. By Senators Unterman of the 45th, Wilkinson of the 50th, Hill of the 32nd, Dugan of the 30th, Hill of the 4th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions

relative to services for the aging, so as to create the Georgia Adult and Aging Services Agency; to provide for definitions; to provide for the creation of the Georgia Adult and Aging Services Board; to provide for membership, powers, and duties; to provide for an agency executive director; to provide for executive personnel; to provide for transfer of property, personnel, and funding from the Department of Human Services and the Division of Aging Services; to provide for further authorizations; to provide for receipt of funds and appropriations; to provide for an annual report; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following substitute, offered by the Committee on Rules, was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to exclude certain medically prescribed cannabis as a Schedule I drug and include it as a dangerous drug, under certain circumstances; to provide for a short title; to provide for related matters; 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 "Haleigh's Hope Act."

SECTION 2.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended by revising subparagraph (P) of paragraph (3) of Code Section 16-13-25, relating to Schedule I, as follows:

"(P) <u>Except as provided in paragraph (131.5) of subsection (b) of Code Section 16-13-71, tetrahydrocannabinols</u> ~~Tetrahydrocannabinols~~ which shall include, but are not limited to:

(i) All synthetic or naturally produced samples containing more than 15 percent by weight of tetrahydrocannabinols; and

(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do not contain plant material exhibiting the external morphological features of the plant cannabis;"

SECTION 3.

Said chapter is further amended by adding a new paragraph to subsection (b) of Code Section 16-13-71, relating to the definition of a dangerous drug, to read as follows:

"(131.5) Cannabinol and cannabidiol – when it has a purity of 0.8 percent or less of tetrahydrocannabinols that is delivered in the form of a liquid, pill, or injection but which does not include smoking;"

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, was agreed to, by substitute.

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
Anderson
Y Atwood
Y Ballinger
Y Barr
E 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
N 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
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
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
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 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
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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E 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
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Turner
Y Waites
Y Watson, B
Y Watson, S
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 168, nays 2.

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

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

HB 405. By Representatives Mayo of the 84th, Fludd of the 64th, Casas of the 107th, Coleman of the 97th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require members of governing boards of nonprofit organizations which are charter petitioners, charter schools, and state charter schools to participate in governance training; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require members of governing boards of nonprofit organizations which are charter petitioners, charter schools, and state charter schools to participate in governance training; 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by adding a new Code section to read as follows:

"20-2-2072.

The members of the governing board of the nonprofit organization of each charter school shall participate in initial training for boards of newly approved charter schools and annual training thereafter, conducted or approved by the state board. The state board shall provide for or approve such initial and annual training. For charter schools that are college and career academies, as defined in subsection (b) of Code Section 20-4-37, the state board shall provide or approve such training in conjunction with the

Technical College System of Georgia. The training shall include, but not be limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations."

SECTION 2.

Said chapter is further amended by revising paragraph (12) of subsection (b) of Code Section 20-2-2083, relating to the powers and the duties of the State Charter Schools Commission, as follows:

"(12) Provide for or approve initial training for boards of newly approved state charter schools and annual training thereafter, as determined by the commission, for members of state charter school governing boards. For charter schools that are college and career academies, as defined in subsection (b) of Code Section 20-4-37, the commission shall provide or approve such training in conjunction with the Technical College System of Georgia. The training shall include, but not be limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations."

SECTION 3.

Said chapter is further amended by revising subsection (f) of Code Section 20-2-2084, relating to state charter school requirements, as follows:

"(f) The members of the governing board of each state charter school shall participate in initial training for boards of newly approved state charter schools and annual training thereafter conducted or approved by the commission pursuant to paragraph (12) of subsection (b) of Code Section 20-2-2083."

SECTION 3A.

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, is amended by adding a new subsection to read as follows:

"(g) At the conclusion of each school year, the local school system shall provide to each freshman, sophomore, and junior student or to his or her parent or guardian the grade point average calculated by the Georgia Student Finance Commission in accordance with the provisions of this Code section for determining HOPE eligibility."

SECTION 4.

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

Representative Mayo of the 84th moved that the House agree to the Senate substitute to HB 405.

On the motion, 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
E Battles
Y Beasley-Teague
Y Bell
Y Bennett
Y Bentley
N 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
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
N Dutton
Efstration
Y Ehrhart
Y England
Epps, C
Y Epps, J
Y Evans
N Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Fullerton
Y Gardner
Y Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
N Gravley
Y Greene
N Gregory
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
N 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
N Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Lindsey
Y Lumsden
Y Mabra
Y Marin
N Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
Y Morgan
N 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
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E 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
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
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 motion, the ayes were 154, nays 15.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 350. By Senators Unterman of the 45th, Millar of the 40th, Beach of the 21st, Shafer of the 48th and Sims of the 12th:

A BILL to be entitled an Act to amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Services, so as to provide for the bidding out of child welfare services state wide through contracts with community based providers; to provide for definitions; to provide for qualifications for contractors; to provide for contract standards; to provide for a review; to provide for procedures; to provide for related matters; to provide for a contingent effective date; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 125. By Senators Stone of the 23rd and Gooch of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding the liability of owners and occupiers of land, so as to codify the duty of a possessor of land to a trespasser against harm; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to provide for forms of collateral required for professional bonding companies; to change certain provisions relating to fees for sureties; 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 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, is amended by revising subparagraph (b)(1)(E) of Code Section 17-6-15, relating to the necessity for commitment where bail tendered and accepted, as follows:

"(E) Establishment of a cash escrow account or other form of collateral ~~in a sum and upon terms and conditions approved by the sheriff;~~ as follows:

(i) For any professional bonding company that is new to the county or that has operated continuously in the county for less than 18 months, in an amount and upon terms and conditions as determined and approved by the sheriff;

(ii) Once a professional bonding company has operated continuously for 18 months or longer in the county, then any such cash escrow account or other form of collateral shall not exceed 10 percent of the current outstanding bail bond liability of the professional bonding company; and

(iii) No professional bonding company shall purchase an insurance policy in lieu of establishing a cash escrow account or posting other collateral; provided, however, that any professional bonding company which was using an insurance policy as collateral as of December 31, 2013, may continue to do so at the discretion of the sheriff."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 17-6-30, relating to fees of sureties, as follows:

"(a) Sureties on criminal bonds in any court shall not charge or receive more than ~~12 percent of the face amount of the bond set in the amount of $10,000.00 or less, which amount includes the principal and all applicable surcharges, and shall not charge or receive more than~~ 15 percent of the face amount of the bond set ~~in an amount in excess of $10,000.00~~, which amount includes the principal and all applicable surcharges, as compensation from defendants or from anyone acting for defendants; provided, however, that a surety may charge and receive a minimum of $50.00 per bonded charge or offense as compensation, regardless of whether such compensation exceeds 15 percent of the face amount of any bond set."

SECTION 3.

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

Representative Lindsey of the 54th moved that the House agree to the Senate substitute to HB 271.

The following amendment was read and adopted:

Representative Coomer of the 14th offers the following amendment:

Amend the Senate substitute to HB 271 (HB 271/SCSFA/2) by inserting after "amend" *on line 1 the following:*
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 amend

By replacing line 6 with the following:

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) 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.

<u>(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.</u>"

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.

By replacing "Section 2" *with* "Section 3-2" *on line 23.*

By replacing line 35 with the following:

PART IV
SECTION 4-1.

Representative Coomer of the 14th moved that the House agree to the Senate substitute, as amended by the House, to HB 271.

On the motion, 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
E 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 Channell
Y Chapman
Y Cheokas
Y Clark, J
Y Clark, V
Y Coomer
Y Cooper
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Dutton
Y Efstration
Y Ehrhart
Y England
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
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
Y Jones, J
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 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
Parrish
Y Parsons
Peake
Y Pezold
Y Powell, A
Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Sims, C
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
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
Y Williams, C
Y Williams, E
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 motion, the ayes were 166, nays 2.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute to 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.

The Senate has agreed to the House substitute to the following resolution of the Senate:

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

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 Senate 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 limit the total annual amount of credits for zero emission and low-emission vehicles; 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) The aggregate amount of tax credits allowed under the provisions of this subsection shall be limited to $10 million in each fiscal year."

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 following amendment was read and adopted:

Representative Martin of the 49th offers the following amendment:

Amend the substitute to HB 257 (LC 40 0629S) by deleting lines 1 through 21 and inserting in lieu thereof the following:

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 provide for revised amounts; to provide a credit for plug-in electric vehicles; to provide for procedures, conditions, and limitations; 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 revised as follows:

"48-7-40.16.

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

(1) 'Alternative fuel' means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than alcohol derived from biological materials; and electricity, including electricity from solar energy.

(2) 'Clean fueled vehicle' means a motor vehicle which has been certified by the Environmental Protection Agency to meet, for any model year, a set of emission standards that classifies it as a low-emission vehicle or zero emission vehicle.

(3) 'Conventionally fueled vehicle' means a motor vehicle which is fueled solely by a petroleum based fuel such as gasoline or diesel.

(4) 'Converted vehicle' means a motor vehicle that is retrofitted so that it is fueled solely by an alternative fuel and which meets the emission standards set forth for that class of low-emission vehicles as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled vehicles, as amended, when operating on such alternative fuel, or which meets the emission standards set forth for ~~zero emission~~ plug-in electric vehicles as defined under rules and regulations of the Board of Natural Resources.

(5) 'Low-emission vehicle' means a motor vehicle which is fueled solely by an alternative fuel and which meets emission standards as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled vehicles classified as low-emission vehicles, as amended, when operating on such alternative fuel.

(6) 'Motor vehicle' means any self-propelled vehicle designed for transporting persons or property on a street or highway that is registered by the Department of Revenue, except vehicles that are defined as 'low-speed vehicles' in paragraph (25.1) of Code Section 40-1-1.

(7) 'Plug-in electric vehicle' means a motor vehicle which is fully functional on electricity and can be propelled for at least nine miles by electricity, provided that any such vehicle shall have a battery with a capacity of not less than four kilowatt hours and be capable of being recharged from an external source of electricity.

(8) 'Zero emission vehicle' means a motor vehicle which has zero tailpipe and evaporative emissions as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled vehicles, as amended, and shall include an electric vehicle whose drive train is powered solely by electricity, provided said electricity is not provided by any on-board combustion device.

(b) 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~~ plug-in electric vehicle that is registered in the State of Georgia. The amount of the credit shall be:

(1) For any new low-emission vehicle, 10 percent of the cost of such vehicle or $2,500.00, whichever is less; and

(2) For any new ~~zero emission~~ plug-in electric vehicle, 20 percent of the cost of such vehicle or ~~$5,000.00~~ $2,500.00, whichever is less.

(c) A tax credit is allowed against the tax imposed under this article to a taxpayer for the conversion of a conventionally fueled vehicle to a converted vehicle that is registered in the State of Georgia. The amount of the credit shall be equal to 10 percent of the cost of conversion, not to exceed $2,500.00 per converted vehicle.

(d) A tax credit is allowed against the tax imposed under this article to any business enterprise for the purchase or lease of each electric vehicle charger that is located in the State of Georgia. The amount of the credit shall be 10 percent of the cost of the charger or $2,500.00, whichever is less.

(e) The tax credits granted under this Code section shall be subject to the following conditions and limitations:

(1) All claims for any credit provided by subsection (b) of this Code section shall be:

(A) Accompanied by a certification approved by the Environmental Protection Division of the Department of Natural Resources; and

(B) Made only by a taxpayer who is the owner of a new clean fueled vehicle or new plug-in electric vehicle, as evidenced by the certificate of title issued for such vehicle; provided, however, that if a new clean fueled vehicle is leased to a taxpayer at retail, the taxpayer who is the lessee shall be entitled to claim the credit; provided, further, that only one taxpayer shall be eligible to claim any credit provided by subsection (b) of this Code section;

(2) All claims for any credit provided by subsection (c) of this Code section must be accompanied by a certification issued by the Environmental Protection Division of the Department of Natural Resources;

(3) All claims for any credit provided by subsection (d) of this Code section shall be:

(A) Accompanied by a certification issued by the seller where the new electric vehicle charger was purchased or leased; and

(B) Made only by a taxpayer who is the ultimate purchaser or lessee of a new electric vehicle charger at retail;

(4) Any credit claimed under this Code section but not used in any taxable year may be carried forward for five years from the close of the taxable year in which a new clean fueled vehicle or plug-in electric vehicle was purchased or leased or a conventionally fueled vehicle was changed into a converted vehicle, provided that the applicable certification required in paragraph (1) or (2) of this subsection accompanies any such claim;

(5) In no event shall the amount of any tax credit provided in this Code section exceed the taxpayer's income tax liability; and

(6) Tax credits authorized in this Code section shall be granted to a taxpayer who purchased or leased and placed in service in Georgia a new low-emission vehicle or zero emission vehicle, which also is a low-speed vehicle, but only if such low-speed vehicle was placed in service during the taxable year ending December 31, 2001. For purposes of this paragraph, the term 'low-speed vehicle' means a low-speed vehicle as defined in paragraph (25.1) of Code Section 40-1-1. Any claim for such credit must be accompanied by a manufacturer's statement of origin issued to a dealer registered in Georgia which certifies that the low-speed vehicle was manufactured in compliance with those federal motor vehicle safety standards set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001, as well as any other documentation deemed necessary by the commissioner to establish the date that delivery was made and such vehicle was placed in service. A taxpayer shall only be eligible to claim such credit with respect to a single low-speed vehicle.

(f) The state revenue commissioner shall be authorized to adopt rules and regulations to provide for the administration of any tax credit provided by this Code section.

(g) The Board of Natural Resources shall be authorized to adopt rules and regulations to provide for:

(1) The specific standards and requirements for low-emission vehicles, ~~zero emission~~ plug-in electric vehicles, and converted vehicles and electric vehicle chargers which shall be consistent with the terms of this Code section;

(2) An approved certification form which certifies the purchase or lease of a new clean fueled vehicle that is qualified for a tax credit provided by this Code section;

(3) The certification of any converted vehicle that is qualified to claim a tax credit provided by this Code section; and

(4) An approved certification form which shall be issued by the seller which certifies the purchase or lease of a new electric vehicle charger that is qualified for a tax credit provided by this Code section.

(h)(1) The tax credits allowed under this Code section shall be limited to $10 million in each fiscal year beginning July 1, 2014. The commissioner shall allow the tax credits under this Code section on a first come, first serve basis and the taxpayer 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, completed the conversion, completed the installation of a qualified charging station in this state, and complied with the other certification requirements contained in this Code section.

(2) Any taxpayer claiming a tax credit under the provisions of this Code section shall not be eligible to claim such tax credit or any other state tax credit relating to low-emission, zero emission, plug-in electric, natural gas, propane, or other alternative fuel vehicles for a period of five years."

SECTION 2.

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

Representative Martin of the 49th moved that the House agree to the Senate substitute, as amended by the House, to HB 257.

On the motion, 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
E 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
Y Carter
Y Casas
Y Chandler
Y Channell
Y Chapman
Y Cheokas
N Clark, J
Y Clark, V
N Coleman
Y Cooke
Y Coomer
Y Cooper
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Dollar
Y Douglas
Drenner
Y Dudgeon
Y Dukes
N Dunahoo
Y Duncan
N Dutton
Y Efstration
N Ehrhart
Y England
Epps, C
Y Epps, J
Y Evans
Y Fleming
Floyd
Y Fludd
Y Frazier
Y Frye
Y Fullerton
N Gardner
Y Gasaway
Y Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Gregory
Y Hamilton
N Harbin
Y Harden
N Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
N Holcomb
Y Holmes
Y Holt
Y Houston
Y Howard
Y Hugley
N Jackson
N Jacobs
Y Jasperse
Y Jones, J
Jones, L
Y Jones, S
Y Jordan
N Kaiser
Y Kelley
Y Kendrick
Y Kidd
N Kirby
Y Knight
Y Lindsey
Lumsden
Y Mabra
Y 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
Y Oliver
Y O'Neal
Y Pak
Parrish
Y Parsons
Peake
N Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims, B
N Sims, C
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Stephens, R
Y Stephenson
Y Stovall
N 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
N Wilkinson
Y Willard
Y Williams, A
N Williams, C
Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 146, nays 20.

The motion prevailed.

HB 842. By Representatives Willard of the 51st, Powell of the 171st, Bruce of the 61st and Abrams of the 89th:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions for

certiorari and appeal to appellate courts generally, so as to clarify provisions relating to payment of costs and indigency affidavits; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions for certiorari and appeal to appellate courts generally, so as to clarify provisions relating to payment of costs and indigency affidavits; 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 6 of Title 5 of the Official Code of Georgia Annotated, relating to general provisions for certiorari and appeal to appellate courts generally, is amended by revising Code Section 5-6-4, relating to bill of costs, payment of costs, and filing of affidavit of indigence, as follows:

"5-6-4.

(a) The bill of costs for every application to the Supreme Court for a writ of certiorari or for applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to the Supreme Court or the Court of Appeals shall be $80.00 in criminal cases and in habeas corpus cases for persons whose liberty is being restrained by virtue of a sentence imposed against them by a state court and $300.00 in all other civil cases. The costs shall be paid by counsel for the applicant or appellant at the time of the filing of the application or, in the case of direct appeals, at the time of the filing of the original brief of the appellant. In those cases in which the writ of certiorari or an application for appeal is granted, there shall be no additional costs.

(b) Costs shall not be required ~~in those instances~~ when at the time the same are due:

(1) The pro se applicant or pro se appellant is incarcerated at the time of the filing;

(2) Counsel ~~counsel~~ for the applicant or appellant ~~shall file a statement that an affidavit of indigence has been duly filed or file an affidavit that he or she~~ was appointed to represent the defendant by the trial court because of the defendant's indigency; or

(3) The applicant, appellant, or counsel for applicant or appellant files an affidavit of indigency.

(c) The clerk ~~is~~ shall be prohibited from receiving the application for appeal or the brief of the appellant unless the costs have been paid or ~~a sufficient affidavit of indigence is filed or contained in the record~~ the provisions of subsection (b) of this Code section have been satisfied."

SECTION 2.

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

Representative Willard of the 51st moved that the House agree to the Senate substitute to HB 842.

On the motion, 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
E Battles
Y 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
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
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
Y Gregory
Y Hamilton
Y Harbin
Y Harden
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 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
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Parrish
Y Parsons
Peake
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E 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
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
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

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

Mr. Speaker:

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

HB 891. By Representatives Fleming of the 121st, Brockway of the 102nd, Welch of the 110th, Williamson of the 115th, Hamilton of the 24th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to change the period for advance voting prior to a municipal primary or election; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 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 Senate amendment was read:

The Senate moves to a*mend HB 930 (LC 41 0227S) by deleting lines 38 and 39 and by replacing* "(8)" *with* "(7)" *on line 40.*

By replacing lines 58 through 61 with the following:

(d) The delegates provided for by subsection (c) of this Code section shall be appointed as follows:

(1) Two delegates shall be appointed by majority vote of the Senate where at least one delegate appointed pursuant to this paragraph shall be a member of the Senate at the time of appointment;

(2) Two delegates shall be appointed by majority vote of the House of Representatives where at least one delegate appointed pursuant to this paragraph shall be a member of the House of Representatives at the time of appointment; and

(3) One delegate shall be appointed by receiving, in each chamber, the vote of a majority of all the members elected to that chamber.

(e) The alternate delegates provided for by subsection (c) of this Code section shall consist of a first alternate delegate, second alternate delegate, third alternate delegate, fourth alternate delegate, and fifth alternate delegate who shall be appointed as follows:

(1) The first alternate delegate shall be appointed by receiving, in each chamber, the vote of a majority of all the members elected to that chamber;

(2) The second and fifth alternate delegate shall be appointed by majority vote of the Senate; and

(3) The third and fourth alternate delegate shall be appointed by majority vote of the House of Representatives.

(f) The delegates appointed pursuant to subsection (d) of this Code section shall elect from amongst the delegates a chairperson. Such delegate shall serve as chairperson for as long as such person is a delegate or until a new chairperson is elected at any time as provided for by this subsection. Such chairperson shall report to the General Assembly on all matters pertaining to the activities of the delegates and the Article V convention.

By replacing lines 71 through 81 with the following:

An alternate delegate shall act in the place of a delegate when a delegate is absent from the Article V convention or shall replace a delegate if a delegate vacates the office. An alternate delegate shall act in the place of or replace a delegate in such order of sequence:

(1) First alternate delegate;

(2) Second alternate delegate;

(3) Third alternate delegate;

(4) Fourth alternate delegate; and

(5) Fifth alternate delegate.

At the time that an alternate delegate is needed to act in the place of or to replace a delegate, the alternate delegate in the order of sequence not already acting in the place of or replacing a delegate shall act in the place of the delegate.

50-1-35.

The General Assembly, Senate, or House of Representatives, respectively, may recall any delegate or alternate delegate it has appointed and replace such delegate or alternate delegate with an individual appointed under this article at any time.

50-1-36.

Notwithstanding any other provision of law to the contrary, no delegate or alternate delegate to an Article V convention or to any process which seeks to propose amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the United States shall be appointed unless such delegate or alternate delegate is appointed as provided for by this article and this article

shall be the only means by which this state participates in an Article V convention or such process.

By deleting "(a)" *on line 93 and by deleting lines 101 through 103.*

Representative Barr of the 103rd moved that the House agree to the Senate amendment to HB 930.

On the motion, 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
E Battles
N Beasley-Teague
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
Ehrhart
Y England
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
N Greene
N Gregory
Y Hamilton
Y Harbin
Y Harden
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
N Kidd
Y Kirby
Y Knight
Y Lindsey
Lumsden
N Mabra
N Marin
Martin
Y Maxwell
N Mayo
Y McCall
N McClain
Y Meadows
N Mitchell
N Moore
N Morgan
Y Morris
N Mosby
Y Nimmer
Y Nix
N Oliver
Y O'Neal
Y Pak
Parrish
Y Parsons
Peake
Y Pezold
Y Powell, A
Y Powell, J
N Prince
Y Pruett
Y Quick
Y Ramsey
N Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y 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
N Smyre
Y Spencer
N Stephens, M
Stephens, R
N Stephenson
Stovall
Y Stover
Y 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
Y Watson, S
N Welch
Weldon
N Wilkerson
Y Wilkinson
Willard
N Williams, A
Y Williams, C
N Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 102, nays 61.

The motion prevailed.

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 Senate substitute was read:

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 or receiving any other state or federal subsidies provided with respect to the use of the property as residential rental property; provided, however, that such properties described in</u>

subparagraph (B.1) of this paragraph shall not be considered comparable real property for assessment or appeal of assessment of other properties; and

(vii) 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.

Representative Harrell of the 106th moved that the House agree to the Senate substitute to HB 954.

On the motion, 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	Y Spencer
E Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	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	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	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	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	E Rice	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Riley	Y Welch
N Carter	Y Frye	Y Kidd	Y Roberts	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	N Lindsey	E Rutledge	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	Y Williams, A
N 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 motion, the ayes were 163, nays 5.

The motion prevailed.

HB 773. By Representatives Dickey of the 140th, Epps of the 144th, Roberts of the 155th, Talton of the 147th and Shaw of the 176th:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to dangerous instrumentalities and practices, so as to change provisions relating to discharging a gun or pistol near a public highway or street; to provide for definitions; to provide for exceptions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to dangerous instrumentalities and practices, so as to change provisions relating to discharging a gun or pistol near a public highway or street; to provide for definitions; to provide for exceptions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to dangerous instrumentalities and practices, is amended by revising Code Section 16-11-103, relating to discharging a gun or pistol near a public highway or street, as follows:

"16-11-103.

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

(1) 'Firearm' means any handgun, rifle, or shotgun.

(2) 'Public highway' means every public street, road, and highway in this state.

(3) 'Sport shooting range' means an area designated and operated by a person or entity for the sport shooting of firearms, target practice, trapshooting, skeet shooting, or shooting sporting clays and not available for such use by the general public without payment of a fee, membership contribution, or dues or without the invitation of an authorized person, or any area so designated and operated by a unit of government, regardless of the terms of admission thereto.

(4) 'Unit of government' means any of the departments, agencies, authorities, or political subdivisions of the state, cities, municipal corporations, townships, or villages and any of their respective departments, agencies, or authorities.

(b) Except as provided in subsection (c) of this Code section, it shall be unlawful for any person, ~~A person is guilty of a misdemeanor when,~~ without legal justification, ~~he discharges a gun or pistol~~ to discharge a firearm on or within 50 yards of a public highway ~~or street~~.

(c) This Code section shall not apply to a discharge of a firearm which occurs within 50 yards of a public highway if such discharge is shielded from the view of a traveler on the public highway and occurs at:

(1) An indoor or outdoor sport shooting range;

(2) Facilities used for firearm or hunting safety courses sponsored by a unit of government, nonprofit corporation, or commercial enterprise; or

(3) The business location of any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation licensed as a firearm dealer pursuant to Chapter 16 of Title 43.

(d) Any person who violates subsection (b) of the Code section shall be guilty of a misdemeanor."

SECTION 2.

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

SECTION 3.

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

Representative Dickey of the 140th moved that the House agree to the Senate substitute to HB 773.

On the motion, 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	Morris	Y Spencer
E Battles	Y Dickson	Y Henson	Y Mosby	Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	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
Bruce	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	E 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	E 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
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 motion, the ayes were 166, nays 0.

The motion prevailed.

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

Mr. Speaker:

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

SB 65. By Senator Unterman of the 45th:

A BILL to be entitled an Act to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to authorize a licensed professional counselor to perform certain acts which physicians, psychologists, and others are authorized to perform regarding emergency examinations of persons who are mentally ill or alcoholic or drug dependent; to define certain terms; to require a licensed professional counselor to secure certification to perform certain acts from the Department of Behavioral Health and Developmental Disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 240. By Senator Hill of the 6th:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages

by passenger carriers, nonprofit organizations, and hotels and motels, so as to provide for the licensing of the production of distilled spirits for educational purposes by non-profit museums; to create a definition of non-profit museum; to provide a permit fee; to provide limitations of such permits; to waive certain alcohol tax and bond requirements for non-profit museums; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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 290. By Senators Burke of the 11th and Crosby of the 13th:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to responsible dog ownership, so as to allow local governments to confer dog control authority upon multiple individuals; to provide for the hearing of contested cases by superior courts; to require dog owners to pay for reasonable confinement and housing expenses in certain cases; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 298. By Senators Murphy of the 27th, Unterman of the 45th, Mullis of the 53rd, Burke of the 11th, Hufstetler of the 52nd and others:

A BILL to be entitled an Act to amend Code Section 40-2-74.1 of the Official Code of Georgia Annotated, relating to special vehicle decals for persons with disabilities, so as to provide for the submission of a doctor's prescription with an application for a special parking decal for persons with disabilities in lieu of an affidavit when a notary public is not available; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 340. By Senators Stone of the 23rd and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to revise, modernize, correct errors or omissions in, and reenact the statutory portion of said Code, as amended, in furtherance of the work of the Code Revision Commission; to repeal portions of said Code, or Acts in amendment thereof, which have become obsolete, have been declared to be unconstitutional, or have been preempted or superseded by subsequent

laws; to provide for other matters relating to revision, reenactment, and publication of said Code; to provide for effect in event of conflicts; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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 agreed to the House amendment to 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.

The Senate has agreed to the House amendments to the following bills of the Senate:

SB 60. By Senator Heath of the 31st:

A BILL to be entitled an Act to amend Chapter 3 of Title 28 of the Official Code of Georgia Annotated, relating to administrative personnel of the General Assembly, so as to provide that all official communications to officers, members, or employees of the General Assembly be provided in an electronic format; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 336. By Senators Ligon, Jr. of the 3rd, Albers of the 56th, Mullis of the 53rd, Miller of the 49th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to provide that

the fines imposed by the State Board of Cosmetology for certain violations shall not exceed certain specified amounts; to provide for related matters; to provide an effective date and applicability; 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 following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 966. By Representatives Cooper of the 43rd, Oliver of the 82nd, Rutledge of the 109th, Watson of the 166th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, so as to authorize licensed health practitioners to prescribe opioid antagonists to certain individuals and entities pursuant to a protocol; to provide for legislative findings; to amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to provide for grants to ensure availability of opioid antagonists; to authorize emergency medical services personnel to administer parenteral injections of opioid antagonists; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, so as to establish within the Department of Public Health the Alzheimer's Disease Registry; to provide for the purpose of the registry; to

provide for promulgation and criteria of rules; to provide for confidentiality of data; to provide for compliance with P. L. 104-191, the federal Health Insurance Portability and Accountability Act of 1996; 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 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, is amended by adding a new Code section to read as follows:

"31-2A-16.

(a) There is established within the Department of Public Health the Alzheimer's Disease Registry.

(b) The purpose of the registry shall be to assist in the development of public policy and planning relative to Alzheimer's disease and related disorders. The registry shall provide a central data base of individuals with Alzheimer's disease or related disorders.

(c) The department shall establish procedures and promulgate rules and regulations for the establishment and operation of the registry. Such procedures, rules, and regulations shall provide for:

(1) Collecting and evaluating data regarding the prevalence of Alzheimer's disease and related disorders in Georgia, including who shall report the data to the registry;

(2) Determining what information shall be maintained in the registry and the length of time such data shall be available;

(3) Sharing of data for policy planning purposes;

(4) Disclosing nonidentifying data to support Alzheimer's and related disorder research;

(5) The methodology by which families and physicians of persons who are reported to the registry shall be contacted to gather additional data; and

(6) Information about public and private resources.

(d) The collected data in the registry shall be confidential, and all persons to whom the data is released shall maintain patient confidentiality. No publication of information, biotechnical research, or medical data shall be made that identifies any patient by name. The registry shall be established and regulated pursuant to the requirements of 42 U.S.C. Section 1301, et seq., and P.L. 104-191, the federal Health Insurance Portability and Accountability Act of 1996."

SECTION 2.

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

Representative Cooper of the 43rd moved that the House agree to the Senate substitute to HB 966.

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

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
N Ballinger
N Barr
E Battles
N 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
Burns
Y Caldwell, J
N Caldwell, M
Y Carson
Y Carter
Y Casas
Y Chandler
Y Channell
N Chapman
Y Cheokas
Clark, J
Y Clark, V
Y Coleman
Y Cooke
N 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
Y Duncan
Y Dutton
Y Efstration
Y Ehrhart
Y England
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
N Gravley
Y Greene
N Gregory
Y Hamilton
Y Harbin
Y Harden
N 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
E Jacobs
Jasperse
Y Jones, J
Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
N Kirby
Y Knight
Y Lindsey
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
Y Morgan
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
N Pak
Parrish
Y Parsons
Peake
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
N Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Y Rynders
Y Scott
N Setzler
Y Sharper
Y Shaw
Y Sims, B
Sims, C
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
N Spencer
Y Stephens, M
Stephens, R
Y Stephenson
Y Stovall
N Stover
Y Strickland
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
N Welch
Weldon
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
Y Williams, E
N Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 141, nays 22.

The motion prevailed.

HB 60. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to a*mend the House floor amendment (AM 41 0040) to HB 60 by inserting after* "8-3-202," *on line 3* "Part 1 of Article 1 of Chapter 3 of Title 27,"*; by inserting after* "exceptions," *on line 6* "general provisions regarding hunting,"*; by inserting after* "title;" *on line 11* "to authorize hunting using a firearm silencer or suppressor under certain circumstances; to provide for penalties for improper use;".

By inserting after line 54 the following:

SECTION 1-2A.

Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions regarding hunting, is amended by revising Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, as follows:

"27-3-4.

(a) It shall be unlawful to hunt wildlife with any weapon, except that:

(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must be broadhead type;

(2) During primitive weapon hunts or primitive weapons seasons:

(A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with single shot may be used; and

(B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;

(3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on state wildlife management areas unless otherwise specified), muzzleloading firearms of .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that firearms for hunting feral hogs, other than those weapons specified in this paragraph, may be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and handguns must be of the expanding type;

(4) Weapons for hunting small game shall be limited to shotguns with shot shell size of no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms, air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound bows; provided, however, that in addition to the weapons listed in this paragraph, any center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat. Nothing contained in this paragraph shall permit the taking of protected species;

(5)(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity of not more than five shells in the magazine and chamber combined. If a plug is

necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine.

(B) For hunting all other game animals, shotguns shall be limited to a capacity of not more than three shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine;

(6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or compound bows. Any person taking turkey in violation of this paragraph shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor, except that a fine imposed for such violation shall not be less than $250.00;

(7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained alligators may be killed with any caliber handgun or bangstick and shall be killed immediately before transporting;

(8) There are no firearms restrictions for taking nongame animals or nongame birds; and

(9) The use of silencers or suppressors for hunting within this state is prohibited; provided, however, that a silencer or suppressor may be used for hunting on the private property of the person using such silencer or suppressor, on private property for which the owner of such property has provided verifiable permission to the person using such silencer or suppressor, and on public lands in areas designated by the department.

(b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of paragraph (9) of subsection (a) of this Code section. A person who violates the provisions of this paragraph shall be guilty of a misdemeanor.

(2) The hunting privileges of any person who has been convicted of violating the provisions of this title or any rule or regulation promulgated pursuant thereto by hunting without landowner permission, hunting in an area that is closed for hunting, or hunting big game out of season or at night with a firearm equipped with a suppressor shall be suspended for three years."

By replacing lines 100 through 121 with the following:

courthouse, jail, prison, or place of worship~~, or bar~~ that has been designated by such government entity, courthouse, jail, prison, or place of worship~~, or bar~~ for the parking of motor vehicles at a government building or at such courthouse, jail, prison, or place of worship~~, or bar~~.

(b) Except as provided in subsection (d) or (e) of this Code section, a ~~A~~ person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while:

(1) In a government building;

(2) In a courthouse;

(3) In a jail or prison;

(4) In a place of worship, unless the governing body or authority of the place of worship permits the carrying of weapons or long guns by license holders;

(5) In a state mental health facility as defined in Code Section 37-1-1 which admits individuals on an involuntary basis for treatment of mental illness, developmental disability, or addictive disease; provided, however, that carrying a weapon or long gun in such location in a manner in compliance with paragraph (3) of subsection (d) of this Code section shall not constitute a violation of this subsection;

~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by license holders;~~

~~(7)~~(6) On the premises of a nuclear power facility, except as provided in Code Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede the punishment provisions of this Code section; or

~~(8)~~(7) Within 150 feet of any polling place, except as provided in subsection (i) of Code

By inserting "(1)" *after* "(e)" *on line 147, by deleting the quotation mark at the end of line 157, and by inserting between lines 157 and 158 the following:*

(2) Any license holder who violates subsection (b) of this Code section in a place of worship shall not be arrested but shall be fined not more than $100.00. Any person who is not a license holder who violates subsection (b) of this Code section in a place of worship shall be punished as for a misdemeanor."

By inserting after "notification" *on line 692 the following:*

and completion of federally required transportation security screening procedures

Representative Jasperse of the 11th moved that the House agree to the Senate amendment, to the House amendment, to the Senate substitute to HB 60.

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

N Abrams	Y Coomer	Y 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	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
E Battles	Y Dickson	N Henson	N Mosby	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	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	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	Taylor, T
N Bruce	Epps, C	Y Jones, J	N Prince	Y Teasley
Y Bryant	Y Epps, J	N Jones, L	Y Pruett	N Thomas, A.M.
Y 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	E 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	N Wilkerson
Y Chandler	N Gardner	Y Knight	Y Rogers, T	N Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E Rutledge	Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Rynders	N Williams, A
Y Cheokas	Y 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	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 motion, the ayes were 112, nays 58.

The motion prevailed.

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

Mr. Speaker:

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

SB 342. By Senators Burke of the 11th, Unterman of the 45th, Balfour of the 9th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of AIDS confidential information, so as to provide for disclosure of a person's HIV status to certain health care providers; 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 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 agreed to the House substitute to the following resolution of the Senate:

SR 788. By Senators Albers of the 56th, Crane of the 28th, Dugan of the 30th, Carter of the 1st and Jones of the 25th:

A RESOLUTION authorizing the conveyance of certain state owned real property located in Appling County, Chatham County, Cobb County, Columbia County, Dade County, Fulton County, Liberty County, Meriwether County, Monroe County, Rabun County, Toombs County, Troup County, Troup County; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendments to the following bills of the Senate:

SB 341. By Senators Stone of the 23rd, Bethel of the 54th, Ligon, Jr. of the 3rd and Crosby of the 13th:

A BILL to be entitled an Act to amend Code Section 15-9-36 of the Official Code of Georgia Annotated, relating to judges of probate courts as clerks thereof, chief clerk, authority to appoint other clerks, and powers of appointed clerks, so as to repeal a population provision relative to a clerk's authority to act on uncontested matters; to provide for a clerk's authority to act on uncontested matters; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 367. By Senator Hill of the 6th:

A BILL to be entitled an Act to amend Code Section 50-8-84 of the Official Code of Georgia Annotated, relating to composition of membership of metropolitan area planning and development commissions and redistricting of areas removed from jurisdiction of existing commission, so as to change the eligibility to be a member of a commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 246. By Representatives Golick of the 40th, Smith of the 134th, Neal of the 2nd and Shaw of the 176th:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 10 of the Official Code of Georgia Annotated, relating to general provisions for the Geo. L. Smith II Georgia World Congress Center Authority, so as to provide that the authority shall have the power to provide benefit programs to its officers, employees, and other agents, including a retirement plan and a group insurance plan; to amend Article 3 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the Employee Benefit Plan Council, so as to extend the option to elect coverage in the program to the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 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 Senate amendment was read:

The Senate moves to a*mend the House amendment to SB 326 (AM 28 1355) by striking lines 1 through 3 and inserting in lieu thereof the following:*
Amend SB 326 (LC 28 6968) by striking lines 1 through 4 and inserting in lieu thereof the following:
To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to education, so as to authorize the Private Colleges and Universities Authority to meet by teleconference and other methods permitted by law; to provide limitations on and reporting of real property capital lease obligations of the Board of Regents; 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*" and by striking the quotation mark at the end of line 42 and inserting after line 42 the following:*
A member who attends a meeting by teleconference or by other means other than in person shall not be entitled to receive a per diem payment for attending such meeting."

SECTION 2.

Said title is further amended by adding a new Code section to Part 2 of Article 2 of Chapter 3 to read as follows:

"20-3-88.

(a) As used in this Code section, the term 'capital lease obligations' means the annual obligations related to capital lease projects of the Board of Regents constructed by a third party on real property owned by the Board of Regents for the use and benefit of the Board of Regents in accordance with standards specified by the Board of Regents that are leased to the Board of Regents pursuant to an annually renewable lease.

(b) The Board of Regents shall not enter into any new capital lease obligation if the annual aggregate capital lease obligations for the University System of Georgia exceed 7 percent of the total revenues of the University System of Georgia for the immediately preceding fiscal year.

(c) The Board of Regents shall report its aggregate capital lease obligations to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on Appropriations and the Senate Appropriations Committee."

SECTION 3.

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 4.

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."

By redesignating Sections 2 and 3 as Sections 5 and 6, respectively.

Representative Harbin of the 122nd moved that the House agree to the Senate amendment to the House amendment to SB 326.

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

Y Abrams	Y Coomer	Y 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	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
E Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	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	E Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	Y Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	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	Fludd	Y Kelley	E Rice	Y Watson, S
Carson	Y Frazier	Y Kendrick	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	Lindsey	E Rutledge	N 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 motion the ayes were 163, nays 1.

The motion prevailed.

The following member was recognized during the period of Evening Orders and addressed the House:

Representative Fullerton of the 153rd.

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

Mr. Speaker:

The Senate has agreed to the House substitute to 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.

The Senate has agreed to the House amendment to the following bill of the Senate:

SB 352. By Senators Unterman of the 45th, Butler of the 55th and Millar of the 40th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create the Georgia Council on Lupus Education and Awareness; to provide for legislative findings; to provide for assignment to the Department of Community Health; to provide for membership; to provide for terms of office; to provide for duties and

responsibilities; to provide for a directory; to provide for reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the following bill of the Senate:

SB 425. By Senators Tippins of the 37th, Hill of the 32nd, Hill of the 6th, Beach of the 21st and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), so as to change the compensation of the chief deputy, the chief investigator, and the executive assistant to the sheriff; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

HB 786. By Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 187. By Senator Hill of the 32nd:

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

The Senate has agreed to the House amendment and substitute to the Senate substitute 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 Bills of the Senate were taken up for the purpose of considering the reports of the Committees of Conference thereon:

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 288

The Committee of Conference on SB 288 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 288 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Don Balfour Senator, 54th District	/s/ Dudgeon Representative, 25th District
/s/ Jeff Mullis Senator, 53rd District	/s/ Martin Representative, 49th District
/s/ Renee Unterman Senator, 45th District	/s/ Jones Representative, 47th District

A BILL TO BE ENTITLED
AN ACT

To amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the creation of the High School Athletics Overview Committee; to provide for its composition, powers, and duties; to provide for reports; to provide for performance criteria; to provide for expenditure of funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

"20-2-316.2.

(a) As used in this Code section, the term 'athletic association' means any association of schools or any other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for interscholastic athletic events in which public schools in this state participate.

(b) No high school which receives funding under this article shall participate in, sponsor, or provide coaching staff for interscholastic sports events which are conducted under the authority of, conducted under the rules of, or scheduled by any athletic association unless such athletic association annually publishes and provides to its members a financial report of its activities for the preceding calendar year or fiscal

year, if different from the calendar year, within 90 days after the end of such calendar year or fiscal year. Such report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses for such calendar year or fiscal year."

SECTION 1A.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Article 32, which was formerly reserved, to read as follows:

"ARTICLE 32

20-2-2100.

(a) There is created as a joint committee of the General Assembly the High School Athletics Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House, one of whom shall be a member of the minority party; five members of the Senate appointed by the Lieutenant Governor, one of whom shall be a member of the minority party; the chairperson of the House Committee on Education or his or her designee; and the chairperson of the Senate Education and Youth Committee or his or her designee. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The Speaker of the House of Representatives and the Lieutenant Governor shall each designate a cochairperson from among the appointees of their respective houses. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of cochairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of high school athletic associations, as defined in subsection (c) of this Code section.

(b) No high school which receives funding under Article 6 of this chapter shall participate in, sponsor, or provide coaching staff for interscholastic sports events which are conducted under the authority of, conducted under the rules of, or scheduled by any high school athletics association unless such association complies with the provisions of this article.

(c) As used in this Code section, the term 'committee' means the High School Athletics Overview Committee, and the term 'high school athletic association' means any association of schools or any other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for interscholastic athletic events in which public high schools in this state participate.

20-2-2101.

The Department of Education, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge

of its duties set forth in this article. The committee may employ staff and may secure the services of consultants as appropriate and subject to available funding. Upon authorization by joint resolution of the General Assembly, the committee shall have the power while the General Assembly is in session or during the interim between sessions to request the attendance of witnesses and the production of documents in aid of its duties. In addition, when the General Assembly is not in session, the committee shall have the power to request the attendance of witnesses and the production of documents in aid of its duties, upon application of the cochairpersons of the committee, with the concurrence of the Speaker of the House and the Senate Committee on Assignments.

20-2-2102.
All high school athletic associations in this state shall cooperate with the committee, its authorized personnel, the Attorney General, the Department of Education, and other state agencies in order that the charges of the committee may be timely and efficiently discharged. The associations shall submit to the committee such reports and data as the committee shall reasonably require in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the associations. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the high school athletic associations, as set forth in this article.

20-2-2103.
In the discharge of its duties, the committee shall evaluate the performance of high school athletic associations consistent with the following criteria:
(1) Fairness and equity in establishing and implementing its standards; and
(2) The promotion of academic achievement and good sportsmanship.

20-2-2104.
(a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff, paying for services of consultants, and paying all other necessary expenses incurred by the committee in performing its duties.
(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government."

SECTION 2.
All laws and parts of laws in conflict with this Act are repealed.

Representative Martin of the 49th moved that the House adopt the report of the Committee of Conference on SB 288.

On the motion, 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
E Battles
Y Beasley-Teague
Y Bell
Y Bennett
Y Bentley
N Benton
Y Beverly
Y Black
Y Braddock
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
N 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
N Ehrhart
Y England
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
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
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
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
N Moore
Y Morgan
N Morris
N Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Parrish
Y Parsons
Y Peake
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Ramsey
Y Randall
E Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
E Rutledge
Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, L
Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Talton
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Taylor, T
Y Teasley
Y Thomas, A.M.
Y Turner
Y Waites
Y Watson, B
Y Watson, S
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 motion, the ayes were 159, nays 7.

The motion prevailed.

SB 134. By Senators Carter of the 1st, Millar of the 40th, Hufstetler of the 52nd, Orrock of the 36th and Stone of the 23rd:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled

substances, so as to revise the definition of "prescriber"; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 134

The Committee of Conference on SB 134 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 134 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Earl L. Carter
Senator, 1st District

/s/ Renee Unterman
Senator, 45th District

FOR THE HOUSE OF REPRESENTATIVES:

/s/ Tom Weldon
Representative, 3rd District

/s/ Peake
Representative, 141st District

/s/ Ron Stephens
Representative, 164th District

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled substances, so as to revise the definition of "dispenser"; to revise the definition of "prescriber"; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled substances, is amended by revising paragraphs (10) and (23.1) as follows:

"(10) 'Dispenser' means a person ~~that delivers~~ <u>licensed under the laws of this state, or any other state or territory of the United States to dispense or deliver</u> a Schedule II, III, IV, or V controlled substance to the ultimate user <u>in this state</u> but shall not include:

(A) A pharmacy licensed as a hospital pharmacy by the Georgia State Board of Pharmacy pursuant to Code Section 26-4-110;

(B) An institutional pharmacy that serves only a health care facility, including, but not limited to, a nursing home, an intermediate care home, a personal care home, or a hospice program, which provides patient care and which pharmacy dispenses such substances to be administered and used by a patient on the premises of the facility;

(C) A practitioner or other authorized person who administers such a substance; or

(D) A pharmacy operated by, on behalf of, or under contract with the Department of Corrections for the sole and exclusive purpose of providing services in a secure environment to prisoners within a penal institution, penitentiary, prison, detention center, or other secure correctional institution. This shall include correctional institutions operated by private entities in this state which house inmates under the Department of Corrections."

"(23.1) 'Prescriber' means a physician, dentist, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state, or any other state or territory of the United States, to prescribe a controlled substance in the course of professional practice or research in this state."

SECTION 2.

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

Representative Weldon of the 3rd moved that the House adopt the report of the Committee of Conference on SB 134.

On the motion, 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
N Ballinger	Y Dickerson	Y Hatchett	Y Morgan	Y Smyre
N Barr	Y Dickey	Y Hawkins	Y Morris	N Spencer
E Battles	Y Dickson	Y Henson	N Mosby	Y Stephens, M
Y Beasley-Teague	Dollar	Y Hightower	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	N Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N Stover
N Benton	Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	N Dunahoo	Y Houston	Parrish	Y Talton
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tankersley
Y Braddock	N Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Efstration	Y Jackson	Pezold	Y Tarvin
Y Brockway	Y Ehrhart	Y Jacobs	Y Powell, A	Y Taylor, D
Y Brooks	Y England	N Jasperse	Y Powell, J	Y Taylor, T
Y Bruce	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	Jones, S	N Quick	N Turner

Y Burns	Y Fleming	Y Jordan	N Ramsey	Y Waites
Y Caldwell, J	Floyd	Y Kaiser	Y Randall	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	E Rice	Y Watson, S
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	Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E Rutledge	Y Willard
N Chapman	Y Geisinger	Y Lumsden	Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Scott	Y Williams, C
N Clark, J	Y Golick	Y Marin	N Setzler	Y Williams, E
Y Clark, V	Y Gordon	Y Martin	Y Sharper	Y Williamson
Y Coleman	N Gravley	Y Maxwell	Y Shaw	Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 144, nays 19.

The motion prevailed.

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

Mr. Speaker:

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

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 following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

SB 391. By Senators Balfour of the 9th, Harbison of the 15th, Hill of the 6th, Davis of the 22nd and Dugan of the 30th:

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 following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 391

The Committee of Conference on SB 391 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 391 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ D. Balfour Senator, 9th District	/s/ Hatchett Representative, 150th District
/s/ Tim Golden Senator, 8th District	/s/ Coomer Representative, 14th District
/s/ Bethel Senator, 54th District	/s/ Watson Representative, 166th District

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 program; 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 repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, is amended by adding a new Code section to read as follows:

"31-7-20.

(a) Each medical facility in this state shall, not later than July 1, 2015, make a good faith application to the southern regional TRICARE managed care support contractor for certification in the TRICARE program.

(b) If any medical facility fails to qualify for certification in the TRICARE program, such medical facility shall implement a plan to upgrade the facility, equipment, personnel, or such other cause for the disqualification within one year of notice of such deficiency.

(c) Each medical facility shall submit reports to the commissioner detailing its efforts to join the TRICARE program and shall submit copies of applications, acceptances or rejections, correspondences, and any other information the commissioner deems necessary.

(d) The commissioner shall maintain files on each medical facility in this state and shall monitor each medical facility's efforts to join the TRICARE program.

(e) Nothing in this Code section shall require a medical facility to enter into a contract with the southern regional managed care support contractor or to participate in TRICARE as a network provider or as a participating non-network provider, as such terms are defined in the federal TRICARE regulations."

PART II
SECTION 2-1.

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.

(F) This paragraph shall apply to all taxable years beginning on or after January 1, 2014;"

PART III
SECTION 3-1.

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

Representative Hatchett of the 150th moved that the House adopt the report of the Committee of Conference on SB 391.

On the motion, 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	Spencer
E Battles	Y Dickson	Y Henson	Y Mosby	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hightower	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Parrish	Y Talton
Y Black	Y Duncan	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	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	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	E 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	Gardner	Y Knight	Y Rogers, T	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	E 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 motion, the ayes were 163, nays 2.

The motion prevailed.

The following Resolutions of the House were read and adopted:

HR 2067. By Representative Mayo of the 84th:

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

HR 2068. By Representatives Smyre of the 135th, Hugley of the 136th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Jeanette Amadeo on the occasion of her retirement; and for other purposes.

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

Mr. Speaker:

The Senate recedes from its disagreement to the House amendments to the following bills of the House:

HB 264. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to extensively revise such Act; to provide

for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 265. By Representatives Jacobs of the 80th, Lindsey of the 54th, Riley of the 50th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 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.

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 Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

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

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

The Senate has agreed to the House substitute to the following bill of the Senate:

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

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

The Senate has adopted the report of the Committee of Conference on the following bills of the Senate:

SB 134. By Senators Carter of the 1st, Millar of the 40th, Hufstetler of the 52nd, Orrock of the 36th and Stone of the 23rd:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to controlled substances, so as to revise the definition of "prescriber"; to repeal conflicting laws; and for other purposes.

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to

provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; 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, Davis of the 22nd and Dugan of the 30th:

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.

Representative O'Neal of the 146th moved that the House do now adjourn sine die, and the motion prevailed.

Pursuant to HR 1333, adopted by the House and Senate, the Speaker announced the House adjourned sine die.