

**Representative Hall, Atlanta, Georgia**

**Thursday, March 5, 2015**

**Twenty-Seventh Legislative Day**

The House met pursuant to adjournment at 10:00 o'clock, A.M.

The House stood at ease until 10:20 o'clock, A.M.

The Speaker called the House to order.

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

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

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

Representative Jacobs of the 80th.

He wished to be recorded as present.

Prayer was offered by Reverend Dr. Clarence Williams, Jr., Pastor, Pilgrim Baptist Church of Savannah, Savannah, 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.

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

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

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

HB 549. By Representative Rice of the 95th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to administration of the Department of Revenue, so as to provide that certain taxpayers shall file

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

Referred to the Committee on Ways & Means.

HB 550. By Representatives Frazier of the 126th, Fleming of the 121st, Jackson of the 128th and Prince of the 127th:

A BILL to be entitled an Act to repeal an Act creating the Burke County Economic Development Authority, approved February 13, 1991 (Ga. L. 1991, p. 4120); to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 553. By Representatives Dickey of the 140th, Peake of the 141st and Holmes of the 129th:

A BILL to be entitled an Act to provide a new charter for the City of Forsyth; to provide for incorporation, boundaries, and property of the city; service charges, and assessments; to provide for other matters relative to the foregoing; to provide an effective date; to provide a specific repealer; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 554. By Representatives Rutledge of the 109th, Stephenson of the 90th, Welch of the 110th, Yates of the 73rd, Strickland of the 111th and others:

A BILL to be entitled an Act to amend an Act entitled "An Act to amend an Act providing for a new Board of Commissioners of Henry County," approved March 24, 1974 (Ga. L. 1974, p. 3680), as amended, particularly by an Act approved April 4, 1990 (Ga. L. 1990, p. 5232), so as to further define the authority, roles, and responsibilities of the chairperson, the board of commissioners, and the county manager; to provide for compensation; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 555. By Representatives Chandler of the 105th, Taylor of the 173rd, Cantrell of the 22nd, Setzler of the 35th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for the reporting of certain statistics regarding juveniles seeking abortions without parental notice; to amend Article 5 of Chapter 12 of Title 16 of the O.C.G.A., relating to abortion, so as to make reporting requirements applicable to all abortions performed; to amend Chapter 9A of Title 31 of the O.C.G.A., relating to the "Woman's Right to Know Act," so as to make reporting requirements applicable to all abortions performed; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the O.C.G.A., relating to State Employees' Health Insurance Plan, so as to clarify that elective abortions are not covered under the state health insurance plan; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 556. By Representative Parsons of the 44th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telecommunications and competition development, so as to change certain provisions relating to the authority of the Public Service Commission to order certain contributions and distributions to the Universal Access Fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 557. By Representative Parsons of the 44th:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to emergency telephone number 9-1-1 system, so as to revise a definition; to provide for the manner of billing of certain fees; to provide for the centralization of collection of 9-1-1 fees; to provide for a single, state-wide 9-1-1 fee that is applicable to all telephone services and prepaid wireless services throughout the state; to increase the fee for prepaid wireless; to revise the manner of calculating the distribution of 9-1-1 revenues; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HR 564. By Representative Ralston of the 7th:

A RESOLUTION honoring the life and memory of Mr. James Howard "Bud" Holloway, Jr., and dedicating a bridge in his honor; and for other purposes.

Referred to the Committee on Transportation.

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 564. By Representatives Jasperse of the 11th, Cooper of the 43rd, Clark of the 101st, Rogers of the 29th and Bennett of the 94th:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice, so as to require physicians to complete continuing education training on prescribing controlled substances and the development of addiction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 565. By Representatives Cheokas of the 138th, Williams of the 119th and Dunahoo of the 30th:

A BILL to be entitled an Act to amend Chapter 18 of Title 2 of the Official Code of Georgia Annotated, relating to the Tobacco Community Development Board, so as to eliminate the Georgia Tobacco Community Development Board Overview Committee; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Information and Audits.

HB 566. By Representatives Nix of the 69th, Rynders of the 152nd, Holmes of the 129th and Stephens of the 165th:

A BILL to be entitled an Act to amend an Act to provide for the composition and number of state house districts, approved August 24, 2011 (Ga. L. 2011, Ex. Sess., p. 3), as amended, particularly by an Act approved February 23, 2012 (Ga. L. 2012, p. 21), so as to revise the boundaries of certain state house districts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Legislative & Congressional Reapportionment.

HB 567. By Representatives Dempsey of the 13th, Ramsey of the 72nd, Willard of the 51st, Oliver of the 82nd, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 19-6-26 of the Official Code of Georgia Annotated, relating to jurisdiction in cases relating to alimony and child support, so as to expand the jurisdiction of courts that may hear contempt proceedings; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 568. By Representatives Dempsey of the 13th, Weldon of the 3rd, Oliver of the 82nd, Willard of the 51st, Atwood of the 179th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to determination of paternity, so as to revise provisions relative to paternity testing in certain cases; to provide for reimbursement of paternity testing costs incurred by the Department of Human Services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HB 569. By Representatives Petrea of the 166th, Stephens of the 164th, Harbin of the 122nd and Nix of the 69th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the licensure of durable medical equipment suppliers; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

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

HB 530  
HB 532  
HB 534  
HB 536  
HB 542

HB 531  
HB 533  
HB 535  
HB 537  
HB 543

HB 544	HB 545
HB 546	HB 547
HB 548	HB 551
HB 552	HR 547
HR 548	SB 85
SB 89	SB 100
SB 104	

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

Mr. Speaker:

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

HB 209	Do Pass, by Substitute	HB 313	Do Pass
HB 401	Do Pass	HB 414	Do Pass, by Substitute
HB 474	Do Pass, by Substitute	HB 502	Do Pass, by Substitute

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

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

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

HB 516	Do Pass	HB 518	Do Pass
HB 521	Do Pass	HB 522	Do Pass
HB 526	Do Pass	HB 528	Do Pass

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

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

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

HB 352 Do Pass, by Substitute

Respectfully submitted,  
/s/ Golick of the 40th  
Chairman

Representative Weldon of the 3rd District, Chairman of the Committee on Juvenile Justice, submitted the following report:

Mr. Speaker:

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

HB 263 Do Pass, by Substitute  
HB 264 Do Pass, by Substitute  
HB 361 Do Pass, by Substitute

Respectfully submitted,  
/s/ Weldon of the 3rd  
Chairman

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

Mr. Speaker:

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

HB 232 Do Pass, by Substitute  
HB 461 Do Pass, by Substitute  
HB 535 Do Pass

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

Representative Sims of the 123rd District, Chairman of the Committee on State Properties, submitted the following report:

Mr. Speaker:

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

HB 50      Do Pass, by Substitute  
HB 255     Do Pass, by Substitute

Respectfully submitted,  
/s/ Sims of the 123rd  
Chairman

Representative Roberts of the 155th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

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

HB 477      Do Pass, by Substitute

Respectfully submitted,  
/s/ Roberts of the 155th  
Chairman

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

HOUSE RULES CALENDAR  
THURSDAY, MARCH 5, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 27th Legislative Day as enumerated below:

### DEBATE CALENDAR

#### Open Rule

None

#### Modified Open Rule

- HB 213 Metropolitan Atlanta Rapid Transit Authority Act of 1965; permanent suspension of restrictions on use of sales and use tax proceeds upon submission of an independent management audit to certain officials; provide (Substitute)(Trans-Jacobs-80th)
- HB 214 Metropolitan Atlanta Rapid Transit Authority Act of 1965; restoration of voting privileges to Commissioner of Department of Transportation until 2017; provide (Substitute)(Trans-Jacobs-80th)
- HB 366 Employment of minors; issuance of employment certificates; change certain provisions (Substitute)(I&L-Strickland-111th)
- HB 368 Construction; glass installations; repeal and reserve Part 5 of said article (I&L-Strickland-111th)

#### Modified Structured Rule

**Pursuant to House Rule 33.3, debate shall be limited to no more than one hour on HB 170.  
Time to be allocated at the discretion of the Speaker.**

- HB 170 Transportation Funding Act of 2015; enact (Substitute) (Trans-Roberts-155th) (Rules Committee Substitute LC 34 4595S) AM# 34 0676
- HB 328 Adult offenders; enact reforms recommended by Georgia Council on Criminal Justice Reform (Substitute)(JudyNC-Efstration-104th)
- HB 372 Utopian Academy for the Arts Act; enact (Ed-Coomer-14th)
- HB 504 Health; vaccination against meningococcal disease of college students; revise provisions (Substitute)(H&HS-Cooper-43rd)

#### Structured Rule

- HB 200 Income tax credit; change amount of credit for electric vehicle chargers; provisions (Substitute)(W&M-Parsons-44th)

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

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

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

HB 516. By Representatives Hitchens of the 161st and Burns of the 159th:

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.

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

HB 518. By Representatives Corbett of the 174th, Spencer of the 180th and Shaw of the 176th:

A BILL to be entitled an Act to amend an Act creating the Satilla Regional Water and Sewer Authority, previously known as the Ware County Water and Sewer Authority, approved October 1, 2001 (Ga. L. 2001, Ex. Sess., p. 705), as amended, so as to revise the manner of selection of the members of the authority; to repeal provisions regarding receipts for payments, late fees, service disconnection, and service reconnection; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 521. By Representatives Raffensperger of the 50th, Jones of the 47th, Willard of the 51st, Geisinger of the 48th, Martin of the 49th and others:

A BILL to be entitled an Act to amend an Act providing a homestead exemption from Fulton County ad valorem taxes for county purposes in the amount of \$15,000.00 of the assessed value of the homestead for residents of that county, approved April 20, 1992 (Ga. L. 1992, p. 6583), as amended, particularly by an Act approved May 13, 2008 (Ga. L. 2008, p. 4010), so as

to increase the exemption amount to \$60,000.00 after a two-year phase-in period; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 522. By Representatives Raffensperger of the 50th, Jones of the 47th, Willard of the 51st, Geisinger of the 48th, Beskin of the 54th and others:

A BILL to be entitled an Act to provide a homestead exemption from Fulton County ad valorem taxes for county purposes in the amount of \$30,000.00 of the assessed value of the homestead after a two-year phase in for certain residents of that county who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 526. By Representative Buckner of the 137th:

A BILL to be entitled an Act to reincorporate the City of Talbotton in Talbot County; to provide for a new charter for the City of Talbotton; to provide for severability; to repeal a specific law; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 528. By Representative Tarvin of the 2nd:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Chickamauga in Walker County, Georgia, approved April 10, 2014 (Ga. L. 2014, p. 4218), so as to revise the duties and responsibilities of the city manager and the chief of police; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

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

On the passage of the Bills, the ayes were 155, nays 14.

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

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

Mr. Speaker:

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

- SB 112. By Senators Harper of the 7th, Tolleson of the 20th, Jeffares of the 17th, Williams of the 19th, Burke of the 11th and others:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the O.C.G.A.d, relating to general hunting provisions, so as to prohibit the removal, transportation, storage, or processing of game animal or game bird carcasses except in compliance with applicable harvest recording and reporting laws and regulations of the Board of Natural Resources; to amend Chapter 1 of Title 27 of the O.C.G.A., relating to general provisions relative to game and fish, so as to update provisions relating to applicability of regulations establishing criminal violations; to amend Part 2 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to deer hunting, so as to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 114. By Senators Hufstetler of the 52nd and Kirk of the 13th:

A BILL to be entitled an Act to amend Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of certain medical acts to advanced practice registered nurses, so as to revise provisions relating to the number of advanced practice registered nurses a delegating physician can enter into a protocol agreement with at any one time; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 119. By Senators Jeffares of the 17th, Jones of the 25th, Tolleson of the 20th, Gooch of the 51st and Ginn of the 47th:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to designate the first Monday in May of each year as "Water Professionals Appreciation Day" in Georgia; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 131. By Senators Dugan of the 30th, Jackson of the 24th, Kirk of the 13th, Jones of the 25th, Albers of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to powers and duties of the Department of Behavioral Health and Developmental Disabilities, so as to provide for the certification, rather than licensing, of crisis stabilization units;

to provide for policies and procedures; to remove certain provisions relating to the promulgation of rules and regulations; to repeal conflicting laws; and for other purposes.

- SB 135. By Senators Bethel of the 54th, McKoon of the 29th, Cowsert of the 46th, Jones II of the 22nd, Thompson of the 5th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the clerks of superior courts, so as to provide for the protection and disclosure of records held by the clerk of superior court; to provide for procedure for disclosure; to provide for penalties; to change provisions relating to back-up records; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

- HB 187. By Representatives Dunahoo of the 30th, Hawkins of the 27th and Barr of the 103rd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Flowery Branch, approved April 11, 1979 (Ga. L. 1979, p. 3404), as amended, particularly by an Act approved April 11, 2012 (Ga. L. 2012, p. 5132), so as to provide the corporate boundaries of such city; to change provisions relative to the filling of vacancies; to repeal conflicting laws; and for other purposes.

- HB 398. By Representative Holmes of the 129th:

A BILL to be entitled an Act to amend an Act to incorporate and grant a new charter to the City of Monticello, approved March 10, 1959 (Ga. L. 1959, p. 2683), as amended, so as to dissolve the municipal court; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- HB 400. By Representative Hawkins of the 27th:

A BILL to be entitled an Act to amend an Act incorporating the Town of Clermont in Hall County, approved April 5, 1994 (Ga. L. 1994, p. 4782), as amended, so as to completely revise such charter; to provide for other matters relative to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other purposes.

- HB 447. By Representatives Epps of the 144th, Randall of the 142nd, Dickey of the 140th and Peake of the 141st:

A BILL to be entitled an Act to amend an Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, so as to change the compensation of members of the authority; to provide for future changes in compensation; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 448. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A BILL to be entitled an Act to amend an Act providing authority for members of the Board of Education of Barrow County, approved April 19, 1971 (Ga. L. 1971, p. 3919), as amended, particularly by an Act approved January 29, 1988 (Ga. L. 1988, p. 3501), so as to revise a provision relating to the time to appoint a member to a vacancy on the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 449. By Representatives England of the 116th, Quick of the 117th and Kirby of the 114th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain Barrow County school district ad valorem taxes for educational purposes, approved May 1, 2006 (Ga. L. 2006, p. 3974), so as to eliminate the requirement to submit a new application for the exemption in the year following a reevaluation; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

- HB 453. By Representatives Spencer of the 180th and Corbett of the 174th:

A BILL to be entitled an Act to amend an Act to incorporate the City of Kingsland in Camden County, Georgia, approved August 15, 1927 (Ga. L. 1927, p. 1241), as amended, so as to provide for election of the mayor and council by majority vote; to provide for related matters; to provide for a referendum; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 454. By Representatives Spencer of the 180th and Corbett of the 174th:

A BILL to be entitled an Act to amend an Act to incorporate the City of Kingsland in Camden County, Georgia, approved August 15, 1927 (Ga. L.

1927, p. 1241), as amended, particularly by an Act approved March 5, 1976 (Ga. L. 1976, p. 2833), so as to provide for the holding of elections in even-numbered years; to provide for related matters; to provide for a referendum; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 465. By Representatives Kidd of the 145th and Rhodes of the 120th:

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

HB 468. By Representative Cooke of the 18th:

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

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

SB 112. By Senators Harper of the 7th, Tolleson of the 20th, Jeffares of the 17th, Williams of the 19th, Burke of the 11th and others:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the O.C.G.A.d, relating to general hunting provisions, so as to prohibit the removal, transportation, storage, or processing of game animal or game bird carcasses except in compliance with applicable harvest recording and reporting laws and regulations of the Board of Natural Resources; to amend Chapter 1 of Title 27 of the O.C.G.A., relating to general provisions relative to game and fish, so as to update provisions relating to applicability of regulations establishing criminal violations; to amend Part 2 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to deer hunting, so as to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 114. By Senators Hufstetler of the 52nd and Kirk of the 13th:

A BILL to be entitled an Act to amend Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of certain medical acts to advanced practice registered nurses, so as to revise provisions relating to the number of advanced practice registered nurses a delegating physician can enter into a protocol agreement with at any one time; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 119. By Senators Jeffares of the 17th, Jones of the 25th, Tolleson of the 20th, Gooch of the 51st and Ginn of the 47th:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to designate the first Monday in May of each year as "Water Professionals Appreciation Day" in Georgia; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SB 131. By Senators Dugan of the 30th, Jackson of the 24th, Kirk of the 13th, Jones of the 25th, Albers of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to powers and duties of the Department of Behavioral Health and Developmental Disabilities, so as to provide for the certification, rather than licensing, of crisis stabilization units; to provide for policies and procedures; to remove certain provisions relating to the promulgation of rules and regulations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 135. By Senators Bethel of the 54th, McKoon of the 29th, Cowser of the 46th, Jones II of the 22nd, Thompson of the 5th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the clerks of superior courts, so as to provide for the protection and disclosure of records held by the clerk of superior court; to provide for procedure for disclosure; to provide

for penalties; to change provisions relating to back-up records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

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

Representatives Welch of the 110th, Pak of the 108th, Waites of the 60th, Gravley of the 67th et al., Turner of the 21st, Bentley of the 139th et al., Carter of the 175th et al., Dawkins-Haigler of the 91st et al., Dickey of the 140th, Williamson of the 115th, Fludd of the 64th, Abrams of the 89th, Beskin of the 54th, and Coleman of the 97th.

Pursuant to HR 487, the House honored the life and memory of Representative Michael Brown and invited his wife and children to be recognized by the House of Representatives.

Pursuant to HR 488, the House commended Susan McCauley for honoring the memory of Rosa Parks through the book she authored, *Our Auntie Rosa*, remembering the legacy of Rosa Parks and the courageous role she played in the civil rights movement, and invited Susan McCauley to be recognized by the House of Representatives.

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

HB 504. By Representatives Cooper of the 43rd, Broadrick of the 4th, Parrish of the 158th, Hawkins of the 27th, Stephens of the 164th and others:

A BILL to be entitled an Act to amend Code Section 31-12-3.2 of the Official Code of Georgia Annotated, relating to meningococcal disease vaccinations and disclosures, so as to revise provisions regarding vaccination against meningococcal disease of college students; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, so as to authorize the administration of vaccines by pharmacists or nurses pursuant to vaccine protocol agreements with physicians; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 31-12-3.2 of the Official Code of Georgia Annotated, relating to meningococcal disease vaccinations and disclosures, so as to revise provisions regarding vaccination against meningococcal disease of college students; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, so as to authorize the administration of vaccines by pharmacists or nurses pursuant to vaccine protocol agreements with physicians; to provide for definitions; to provide requirements for the content of vaccine protocol agreements; to provide that a party to a vaccine protocol agreement shall not delegate his or her authority; to limit the number of vaccine protocol agreements into which a physician may enter at any one time; to prohibit certain entities from entering into vaccine protocol agreements; to provide for rules and regulations; to provide for limited liability; to provide for applicability; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 31-12-3.2 of the Official Code of Georgia Annotated, relating to meningococcal disease vaccinations and disclosures, is amended by revising subsection (b) as follows:

"(b) In accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, newly admitted students ~~Students~~ who are 18 years of age or older residing in campus housing as defined by the postsecondary educational institution or residing in sorority or fraternity houses shall be required to sign a document provided by the postsecondary educational institution stating that he or she has received a vaccination against meningococcal disease not more than five years prior to such admittance or reviewed the information provided as required by subsection (a) of this Code section. If a student is a minor, only a parent or guardian may sign such document."

**SECTION 2.**

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, is amended by revising Code Section 43-34-26.1, relating to influenza vaccine protocol agreements, as follows:

"43-34-26.1.

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

- (1) 'Administer' means the provision of a unit dose of ~~influenza~~ vaccine by a pharmacist or nurse pursuant to ~~an influenza~~ a vaccine order contained in ~~an influenza~~ a vaccine protocol agreement with a physician.
- (2) 'Adverse event' means an event that is a negative consequence of the administration of ~~influenza~~ vaccine by a pharmacist or nurse that results in an unintended reaction, injury, or illness, which may or may not have been preventable.
- (3) 'Board' means the Georgia Composite Medical Board.

(4) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code Section 43-26-3. The term shall also mean a licensed practical nurse as defined in paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician engaged in the active practice of medicine.

(5) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage in the practice of pharmacy in the State of Georgia.

(6) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code Section 26-4-5.

(7) 'Physician' means an individual licensed to practice medicine and surgery pursuant to this article and whose principal place of practice is located in this state.

~~(4)(8) 'Vaccine' 'Influenza vaccine' means an inactivated virus administered by injection or a live attenuated virus administered by nasal spray that is prepared for the applicable season and that is administered to produce or increase a specially prepared antigen which upon administration to a person will result in immunity to influenza, pneumococcal disease, shingles, or meningitis. to the influenza virus; provided, however, that a live attenuated virus shall not be administered pursuant to this Code section to any individual younger than 13 or older than 49 years of age; and provided, further, that a~~ No live attenuated virus shall ~~not~~ be administered pursuant to this Code section unless the patient or his or her parent, if a minor, has signed an informed consent that he or she does not have a contraindication to this vaccine. The informed consent form shall list the contraindications to the vaccine.

~~(5)(9) 'Vaccine order' 'Influenza vaccine order'~~ means a prescription drug order, contained in ~~an influenza~~ a vaccine protocol agreement, for ~~influenza~~ a vaccine issued by a physician for a group of patients who meet certain criteria and to be administered by a pharmacist or a nurse. ~~An influenza~~ A vaccine order shall also mean a prescription drug order, contained in ~~an influenza~~ a vaccine protocol agreement, for epinephrine issued by a physician for a group of patients who meet certain criteria and to be administered by a pharmacist or a nurse only upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered ~~influenza~~ vaccine provided that the ~~influenza~~ vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

~~(6)(10) 'Vaccine protocol agreement' 'Influenza vaccine protocol agreement'~~ means a written document mutually agreed upon and signed by a physician and a pharmacist or by a physician and a nurse, by which document the physician prescribes ~~influenza~~ a vaccine and epinephrine, if determined appropriate by the physician, by means of ~~an influenza~~ a vaccine order for administration by a pharmacist or a nurse.

~~(7) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code Section 43-26-3. The term shall also mean a licensed practical nurse as defined in paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician who actively engaged in the private practice of medicine.~~

~~(8) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage in the practice of pharmacy in the State of Georgia.~~

~~(9) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code Section 26-4-5.~~

~~(10) 'Physician' means an individual licensed to practice medicine and surgery pursuant to this article and whose principal place of practice is located in this state.~~

(b) A physician engaged in the active practice of medicine may prescribe influenza a vaccine for a group of patients via ~~an influenza a~~ vaccine order contained in ~~an influenza a~~ vaccine protocol agreement to be administered by a pharmacist, provided the physician is registered with the vaccination registry established by the Department of Public Health pursuant to Code Section 31-12-3.1, commonly known as the Georgia Registry of Immunization Transactions and Services; the pharmacist is located within the county of the physician's place of registration with the vaccination registry or a county contiguous thereto, ~~and~~; the pharmacist holds current certification in Basic Cardiac Life Support and has completed a course of training accredited by the Accreditation Council for Pharmacy Education or similar health authority or professional body approved by the Georgia State Board of Pharmacy; and the pharmacist completes a training program approved by the Centers for Disease Control and Prevention in the basics of immunology which focuses on practice implementation and legal and regulatory issues, composed of at least 12 hours of self-study and an assessment exam, at least eight hours of live seminar with a final exam, and a hands-on assessment of intramuscular and subcutaneous injection technique. A physician who is a party to ~~an influenza a~~ vaccine protocol agreement may also prescribe epinephrine via ~~an influenza a~~ vaccine order contained in ~~an influenza a~~ vaccine protocol agreement for administration by a pharmacist upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered ~~influenza~~ vaccine provided that the ~~influenza~~ vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

(c) A physician engaged in the active practice of medicine may prescribe influenza a vaccine for a group of patients via ~~an influenza a~~ vaccine order contained in ~~an influenza a~~ vaccine protocol agreement to be administered by a nurse, provided the physician is registered with the vaccination registry established by the Department of Public Health pursuant to Code Section 31-12-3.1, commonly known as the Georgia Registry of Immunization Transactions and Services, the nurse is located within the county of the physician's place of registration with the vaccination registry or a county contiguous thereto, and the nurse holds current certification in Basic Cardiac Life Support. A physician who is a party to ~~an influenza a~~ vaccine protocol agreement may also prescribe epinephrine via ~~an influenza a~~ vaccine order contained in ~~an influenza a~~ vaccine protocol agreement for administration by a nurse upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered ~~influenza~~ vaccine provided that the ~~influenza~~ vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

(d) A ~~An influenza~~ vaccine protocol agreement between a physician and a pharmacist or a physician and a nurse pursuant to this Code section shall, without limitation:

- (1) Contain the current names, addresses, telephone numbers, and professional license numbers of the physician and the pharmacist or nurse;
- (2) Contain a provision for immediate consultation between the pharmacist or nurse and the physician. If the physician is not available, the physician for purposes of consultation may designate another physician who concurs with the terms of the influenza vaccine protocol agreement;
- (3) Require the pharmacist or nurse to take a complete case history and determine whether the patient has had a physical examination within the past year and shall not administer a vaccine to a patient with any condition for which such vaccine is contraindicated;
- ~~(3)~~(4) Require the pharmacist or nurse to provide the influenza vaccine recipient with the appropriate and current Vaccine Information Statement (VIS) as provided by the federal Centers for Disease Control and Prevention;
- (5) Require the pharmacist or nurse to provide written information to be developed by the Department of Public Health to the vaccine recipient on the importance of having and periodically seeing a primary care physician;
- (6) Require the pharmacist or nurse to provide each new vaccine recipient with a personal immunization card on card stock paper containing the vaccine recipient's name, the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine, the location of injection on the vaccine recipient, and the date of the administration of the vaccine in legible writing or printed type in a format made available by the Department of Public Health. The patient shall produce such card when he or she has subsequent vaccines and the pharmacist or nurse shall update such card, unless the patient does not have such card, in which case, a new card shall be provided. The written information required pursuant to paragraph (5) of this subsection may be included on the card provided pursuant to this paragraph;
- ~~(4)~~(7) Require the pharmacist or nurse or his or her employer to retain documentation of each dose of influenza vaccine administered. Such documentation shall include, but not be limited to:
  - (A) The administering pharmacist's or nurse's name, address, telephone number, and professional license number;
  - (B) The name, dose, manufacturer, and lot number of the influenza vaccine;
  - (C) The vaccine recipient's name, address, date of birth, and telephone number;
  - (D) The date of administration and injection site;
  - (E) A signed and dated consent form by which the vaccine recipient acknowledges receipt of the ~~VIS~~ Vaccine Information Statement, and consents to the administration of the influenza vaccine, and authorizes the pharmacy or nurse to notify the vaccine recipient's primary care provider of the vaccine administered to the vaccine recipient; and
  - (F) Any adverse events or complications that occur;
- (8) Require the pharmacist or nurse to make documented reasonable efforts to obtain the name of the vaccine recipient's primary care provider and to notify such primary

care provider of the vaccine administered by the pharmacist or nurse within 72 hours of administration;

(9) Require the pharmacist or nurse to administer the vaccine to a patient in a private room, area with a privacy screen, or other interior area in which the patient's privacy can be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient in a manner that is designed so that the patient can be served while remaining in their personal vehicle;

~~(5)~~(10) Require the pharmacist or nurse to enter the patient's influenza vaccine information in the Georgia Registry of Immunization Transactions and Services within the registry's designated time frame, or as designated by the Department of Public Health. The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in accordance with subsection (r) of this Code section on any person subject to the requirements of this paragraph who does not submit the information required by this paragraph and to notify the delegating physician and the applicable licensing board for such person of violations of this paragraph;

~~(6)~~(11) Require, as a condition of administration of the influenza vaccine, the influenza-vaccine recipient to remain under the observation of the administering pharmacist or nurse for a period of not less than 15 minutes immediately subsequent to the administration of the influenza vaccine;

~~(7)~~(12) Contain procedures to follow up on the occurrence of an adverse event or complication including, if prescribed via an influenza a vaccine order contained in an influenza a vaccine protocol agreement, the administration of epinephrine;

~~(8)~~(13) Provide for prioritization of influenza vaccine recipients in the event the supply of influenza a vaccine is limited; and

(14) Require the pharmacist or nurse to maintain individual liability insurance coverage or be individually covered by his or her employer's liability insurance coverage in an amount not less than \$250,000.00 to cover claims arising from administration of vaccines by the pharmacist or nurse pursuant to a vaccine protocol agreement and to provide proof of such coverage to the physician for submission to the board with the vaccine protocol agreement;

(15) Require the pharmacist or nurse to post proof of the vaccine protocol agreement, including a list of the vaccines authorized by such protocol, in a conspicuous location within the pharmacy, local health department, or other setting in which the vaccine is being administered; and

~~(9)~~(16) Be renewed and, if necessary, revised or updated biennially by the physician and the pharmacist or nurse. A An influenza vaccine protocol agreement that is not renewed biennially shall expire.

(e) A pharmacist who is a party to an influenza a vaccine protocol agreement pursuant to this Code section shall not delegate the administration of influenza a vaccine to any individual other than a pharmacy intern under the direct supervision of the pharmacist whether or not any such other individual is under the supervision, direct or otherwise, of the pharmacist.

(f) A nurse who is a party to ~~an influenza~~ a vaccine protocol agreement pursuant to this Code section shall not delegate the administration of ~~influenza~~ a vaccine to any individual, whether or not any such individual is under the supervision, direct or otherwise, of the nurse; provided, however, that notwithstanding the requirement of employment by a physician in paragraph ~~(7)~~(4) of subsection (a) of this Code section, a registered professional nurse who is a party to ~~an influenza~~ a vaccine protocol agreement pursuant to this Code section may delegate the administration of ~~influenza~~ a vaccine to a licensed practical nurse under the direct on-site supervision of the registered professional nurse.

(g) Notwithstanding any law to the contrary, a nurse acting pursuant to ~~an influenza~~ a vaccine protocol agreement as provided in this Code section may possess and transport ~~influenza~~ such vaccine and epinephrine.

(h) A pharmacist or nurse administering ~~influenza~~ influenza vaccines pursuant to ~~an influenza~~ a vaccine protocol agreement authorized by this Code section shall maintain policies and procedures for the handling and disposal of used or contaminated equipment and supplies.

(i) Nothing in this Code section shall be construed to authorize a physician to prescribe any other vaccines or other drugs pursuant to ~~an influenza~~ a vaccine protocol agreement or ~~influenza~~ influenza vaccine order contained in ~~an influenza~~ a vaccine protocol agreement other than ~~influenza~~ those vaccines and epinephrine specifically authorized in such vaccine protocol agreement or vaccine order.

(j) A delegating physician may not enter into ~~an influenza~~ a vaccine protocol agreement with more than ten pharmacists or nurses, or any combination thereof, at any one time; provided, however, and notwithstanding the geographic limitations provided in subsections (b) and (c) of this Code section, a delegating physician may enter into ~~an influenza~~ a vaccine protocol agreement with more than ten pharmacists or nurses, or any combination thereof, at any one time so long as the pharmacists or nurses are in the same public health district as established pursuant to Code Section 31-3-15 and are employees or agents of the same corporate entity.

(k) It shall be unlawful for a physician who is employed by a pharmacist or nurse to enter into ~~an influenza~~ a vaccine protocol agreement or otherwise delegate medical acts to such pharmacist or nurse. It shall be unlawful for a physician who is employed by a pharmacy to enter into ~~an influenza~~ a vaccine protocol agreement or otherwise delegate medical acts to a pharmacist or nurse who is also employed by such pharmacy.

(l) The board shall have the authority to promulgate rules and regulations governing a physician who is a party to ~~an influenza~~ a vaccine protocol agreement in order to carry out the intent and purposes of this Code section. Further, the board shall:

(1) Require that the ~~influenza~~ influenza vaccine protocol agreement be filed by the physician with the board and be made available by the board for public inspection. The physician shall submit proof of the liability insurance coverage required pursuant to paragraph (14) of subsection (d) of this Code section, verification that the pharmacist or nurse holds current certification in Basic Cardiac Life Support as required by subsections (b) and (c) of this Code section with the vaccine protocol agreement, and

for pharmacists, verification of completion of immunology training as required by subsection (b) of this Code section; and

(2) Promulgate by rule an approved standard protocol template that may be utilized as ~~an influenza~~ a vaccine protocol agreement and make such template available on the board's website.

(m) Nothing in this Code section shall be construed to require a physician to enter into ~~an influenza~~ a vaccine protocol agreement. A public or private managed care system, health plan, hospital, insurance company, or similar entity shall not require a physician, pharmacist, or nurse to enter into ~~an influenza~~ a vaccine protocol agreement as a condition for participation in or reimbursement from such entity.

(n) No physician who complies with the provisions of this Code section shall be subject to criminal or civil liability or discipline for unprofessional conduct for:

(1) Entering into ~~an influenza~~ a vaccine protocol agreement with a pharmacist or nurse;

(2) Issuing ~~an influenza~~ a vaccine order contained in ~~an influenza~~ a vaccine protocol agreement with a pharmacist or nurse; or

(3) The acts or omissions of a pharmacist or nurse pursuant to ~~an influenza~~ a vaccine protocol agreement including the administration of ~~influenza~~ a vaccine or epinephrine. Nothing in this subsection shall be interpreted as altering liability of an employer for acts of his or her employees.

(o) This Code section shall not apply to any activities conducted within a hospital, physician's office, nursing home, or other health care facility designated by the department or conducted within any other facility or entity owned, operated, or leased by a hospital.

(p) This Code section shall not be interpreted as limiting the authority of any authorized person to dispense or administer ~~influenza vaccine~~ vaccines or other medications.

(q) No ~~influenza~~ vaccine protocol agreement entered into pursuant to this Code section shall permit a pharmacist or nurse to administer ~~an~~ any of the following:

(1) An influenza vaccine to any child under the age of 13 without an individual prescription from a physician;

(2) A pneumococcal disease vaccine to any child under the age of 18 without an individual prescription from a physician;

(3) Any vaccines containing a live attenuated virus to a child under the age of 13; or

(4) A meningitis vaccine to any child under the age of 18.

~~and consent~~ Consent of the child's parent or legal guardian shall be a condition precedent to the administration of ~~an influenza~~ a vaccine to a child under the age of 18.

(r)(1) A pharmacist or nurse who knowingly does not comply with paragraph (14) of subsection (d) of this Code section may be assessed a fine of up to \$2,500.00 by the board.

(2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine protocol agreement as required by this Code section may be assessed a fine of up to

\$2,500.00 and may be prohibited from administering vaccines pursuant to this Code section for up to one year as determined by the board.

(3) A pharmacist or nurse who knowingly does not comply with paragraph (6) of subsection (d) of this Code section may be subject to the following sanctions by the board:

(A) Upon the first violation, the issuance of a warning;

(B) Upon the second violation, a fine of up to \$500.00; and

(C) Upon a third or subsequent violation, prohibited from administering vaccines pursuant to this Code section for up to one year.

(4) A pharmacist or nurse who knowingly does not comply with paragraph (15) of subsection (d) of this Code section may be subject to the following sanctions by the board:

(A) Upon the first or second violation, the issuance of a warning;

(B) Upon a third or subsequent violation, prohibited from administering vaccines pursuant to this Code section for up to six months.

(5) A pharmacist or nurse who knowingly does not comply with paragraph (10) of subsection (d) of this Code section may be subject to the following sanctions by the Georgia Drugs and Narcotics Agency:

(A) Upon the first violation, the issuance of a warning;

(B) Upon the second violation, a fine of up to \$5,000.00; and

(C) Upon a third or subsequent violation, prohibited from administering vaccines pursuant to this Code section.

(6) The sanctions contained in this subsection shall be supplemental to any other sanctions or penalties to which a pharmacist or nurse may otherwise be subject."

### SECTION 3.

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

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland

Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruettt	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 1.

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

HB 372. By Representatives Coomer of the 14th, Glanton of the 75th, Nimmer of the 178th, Dickey of the 140th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to a facilities fund for charter schools, so as to prohibit additional requirements of a charter school to operate that has passed state facility inspections and received a certificate of occupancy; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre

Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Jones, S	Y Raffensperger	Y Thomas, S
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 170, nays 0.

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

Sheila Jones  
Georgia State Representative  
District 53: Cobb County – Fulton County

March 5, 2015

Please vote me "yes" on HB 372.

Thanks

Feel free to contact me if you are in need of additional information.

/s/ Sheila Jones  
State Representative  
Georgia House of Representatives, District 53

HB 328. By Representatives Efstoration of the 104th, Coomer of the 14th, Nimmer of the 178th, Dickey of the 140th, Golick of the 40th and others:

A BILL to be entitled an Act to amend Part 2 of Article 15 of Chapter 1 of Title 10, Code Sections 17-10-7 and 42-9-45, Chapter 1 of Title 43, and Code Section 49-4-15 of the O.C.G.A., relating to the "Fair Business Practices Act of 1975," repeat offenders and the State Board of Pardons and Paroles general rule-making authority, general provisions for professions and businesses, and fraud in obtaining public assistance, food stamps, or Medicaid; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Part 2 of Article 15 of Chapter 1 of Title 10, Code Sections 17-10-7 and 42-9-45, Chapter 1 of Title 43, and Code Section 49-4-15 of the Official Code of Georgia Annotated, relating to the "Fair Business Practices Act of 1975," repeat offenders and the State Board of Pardons and Paroles general rule-making authority, general provisions for professions and businesses, and fraud in obtaining public assistance, food stamps, or Medicaid, respectively, so as to enact reforms recommended by the Georgia Council on Criminal Justice Reform involving adult offenders; to provide greater employment opportunities for individuals who have had interaction with the criminal justice system; to provide protection to consumers relating to consumer reports in connection with employment and licensing; to provide for definitions; to change provisions relating to certain inmates' parole eligibility; to provide for probationary licenses under certain conditions; to change provisions relating to the misdemeanor and felony threshold in certain fraud cases; to amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense for indigents, so as to change the name of the Georgia Public Defender Standards Council; to remove all references to standards within the chapter; to remove mandatory provisions and make them discretionary; to change provisions relating to the qualifications of the director; to revise the director's powers and authority; to require fewer council and legislative oversight meetings; to limit disclosure of information only upon request; to repeal provisions requiring the council to approve programs for the representation of indigent persons; to clarify representation of juveniles; to change provisions relating to appeals in alternative delivery systems; to amend Title 15 and Code Sections 35-6A-3 and 36-32-1 of the Official Code of Georgia Annotated, relating to courts, membership on the Criminal Justice Coordinating Council, and establishment of municipal courts, respectively, so as to correct cross-references; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," is amended by adding a new Code section to read as follows:

"10-1-393.14.

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

(1) 'Adverse action' means:

(A) A denial of employment;

(B) Any other decision for employment purposes that negatively affects any current or prospective employee; or

(C) A denial or cancellation of, an increase in any charge for, or any other adverse or unfavorable change in the terms of any license.

(2) 'Consumer report' means any written, oral, or other communication of any information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for purposes of credit, insurance, or employment.

(3) 'Consumer reporting agency' means any person or entity which, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(4) 'Employment purposes' means used for the purpose of evaluating a consumer for employment, promotion, reassignment, retention as an employee, or licensing.

(b) A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse action upon a consumer's ability to obtain employment shall:

(1) At the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

(2) Maintain strict procedures designed to ensure that whenever public record information which is likely to have an adverse action on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, and convictions shall be considered up to date if the current public record status of the item at the time of the report is reported.

(c) A consumer reporting agency shall be considered to be conducting business in this state if it provides information to any individual, partnership, corporation, association, or any other group however organized that is domiciled within this state or whose principal place of business is within this state."

**PART II**  
**SECTION 2-1.**

Code Section 17-10-7 of the Official Code of Georgia Annotated, relating to punishment of repeat offenders, is amended by revising subsection (c) as follows:

"(c) Except as otherwise provided in subsection (b) or (b.1) of this Code section and subsection (b) of Code Section 42-9-45, any person who, after having been convicted under the laws of this state for three felonies or having been convicted under the laws of any other state or of the United States of three crimes which if committed within this state would be felonies, commits a felony within this state shall, upon conviction for such fourth offense or for subsequent offenses, serve the maximum time provided in the sentence of the judge based upon such conviction and shall not be eligible for parole until the maximum sentence has been served."

**SECTION 2-2.**

Code Section 42-9-45 of the Official Code of Georgia Annotated, relating to the State Board of Pardons and Paroles general rule-making authority, is amended by revising subsection (b) as follows:

"(b)(1) An inmate serving a misdemeanor sentence or misdemeanor sentences shall only be eligible for consideration for parole after the expiration of six months of his or her sentence or sentences or one-third of the time of his or her sentence or sentences, whichever is greater.

(2) Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7 and paragraph (3) of this subsection, an inmate serving a felony sentence or felony sentences shall only be eligible for consideration for parole after the expiration of nine months of his or her sentence or one-third of the time of the sentences, whichever is greater. Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7 and paragraph (3) of this subsection, inmates serving sentences aggregating 21 years or more shall become eligible for consideration for parole upon completion of the service of seven years.

(3) When an inmate was sentenced pursuant to subsection (d) of Code Section 16-13-30 and subsection (c) of Code Section 17-10-7 to a term of at least 12 years and up to a life sentence, he or she may become eligible for consideration for parole if he or she:

(A) Has never been convicted of:

(i) A serious violent felony as such term is defined in Code Section 17-10-6.1;

(ii) An offense for which he or she was or could have been required to register pursuant to Code Section 42-1-12; provided, however, that this paragraph shall not

apply to any felony that became punishable as a misdemeanor on or after July 1, 2006;  
(iii) A violation of paragraph (1) or (2) of subsection (b) of Code Section 16-5-21;  
(iv) A violation of Code Section 16-11-106; and  
(v) A violation of Code Section 16-11-131;  
(B) Has completed at least 12 years of his or her sentence;  
(C) Has obtained a low-risk for recidivism rating as determined by a validated risk assessment instrument approved by the Department of Corrections;  
(D) Has been classified as a medium or less than medium security risk for institutional housing classification purposes by the Department of Corrections;  
(E) Has completed all criminogenic programming requirements as determined by a validated risk assessment instrument approved by the Department of Corrections;  
(F) In the 12 months preceding consideration, has not been found guilty of any serious disciplinary infractions; and  
(G) Has a high school diploma or general educational development (GED) diploma, unless he or she is unable to obtain such educational achievement due to a learning disability or illiteracy. If the inmate is incapable of obtaining such education, he or she shall have completed a job skills training program, a literacy program, an adult basic education program, or a faith-based program."

### **PART III SECTION 3-1.**

Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions for professions and businesses, is amended by adding a new subsection to Code Section 43-1-19, relating to grounds for refusing to grant or revoking licenses, to read as follows:

"(p)(1) Notwithstanding any other provision of this Code section or title, when an applicant submits his or her application for licensure or renewal, together with proof of completion of a drug court division program, as set forth in Code Section 15-1-15, a board shall issue the applicant a probationary license under the terms and conditions deemed appropriate by such board.  
(2) Paragraph (1) of this subsection shall not supersede a board's consideration of an applicant's other prior criminal history or arrests or convictions that occur subsequent to completion of a drug court division program."

### **PART IV SECTION 4-1.**

Code Section 49-4-15 of the Official Code of Georgia Annotated, relating to fraud in obtaining public assistance, food stamps, or Medicaid, is amended by revising subsection (a) as follows:

"(a) Any person who by means of a false statement, failure to disclose information, or impersonation, or by other fraudulent device, obtains or attempts to obtain, or any person who knowingly or intentionally aids or abets such person in the obtaining or attempting to obtain:

- (1) Any grant or payment of public assistance, food stamps, or medical assistance (Medicaid) to which he or she is not entitled;
- (2) A larger amount of public assistance, food stamp allotment, or medical assistance (Medicaid) than that to which he or she is entitled; or
- (3) Payment of any forfeited grant of public assistance;

or any person who, with intent to defraud the department, aids or abets in the buying or in any way disposing of the real property of a recipient of public assistance shall be guilty of a misdemeanor unless the total amount of the value of public assistance, food stamps, and medical assistance (Medicaid) so obtained exceeds ~~\$500.00~~ \$1,500.00, in which event such person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years. In determining the amount of value of public assistance, food stamps, and medical assistance (Medicaid) obtained by false statement, failure to disclose information, or impersonation, or other fraudulent device, the total amount obtained during any uninterrupted period of time shall be treated as one continuing offense."

#### **PART V SECTION 5-1.**

Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense for indigents, is amended by revising subsection (b) of Code Section 17-12-1, relating to the Georgia Public Defender Standards Council, as follows:

"(b) The Georgia Public Defender ~~Standards~~ Council shall be an independent agency within the executive branch of state government."

#### **SECTION 5-2.**

Said chapter is further amended by revising paragraphs (4), (5), and (7) of Code Section 17-12-2, relating to definitions, as follows:

"(4) 'Council' means the Georgia Public Defender ~~Standards~~ Council.

(5) 'Director' means the director of the Georgia Public Defender ~~Standards~~ Council."

"(7) 'Legislative oversight committee' means the Legislative Oversight Committee for the Georgia Public Defender ~~Standards~~ Council."

#### **SECTION 5-3.**

Said chapter is further amended by revising subsections (a) and (e) of Code Section 17-12-3, relating to the creation of the council, as follows:

"(a) There is created the Georgia Public Defender ~~Standards~~ Council to be composed of nine members. Other than county commission members, members of the council shall be individuals with significant experience working in the criminal justice system

or who have demonstrated a strong commitment to the provision of adequate and effective representation of indigent defendants."

"(e) In making the appointments of members of the council who are not county commissioners, the appointing authorities shall seek to identify and appoint persons who represent a diversity of backgrounds and experience and ~~shall~~ may solicit suggestions from the State Bar of Georgia, local bar associations, the Georgia Association of Criminal Defense Lawyers, the councils representing the various categories of state court judges in Georgia, and the Prosecuting Attorneys' Council of the State of Georgia, as well as from the public and other interested organizations and individuals within this state. The appointing authorities may solicit recommendations for county commissioners from the Association County Commissioners of Georgia. The appointing authorities shall not appoint a prosecuting attorney as defined in paragraph (6) of Code Section 19-13-51, any employee of a prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of the State of Georgia to serve on the council."

#### **SECTION 5-4.**

Said chapter is further amended by revising Code Section 17-12-5, relating to the director, qualifications, selection, salary, and responsibilities, as follows:

"17-12-5.

(a) To be eligible for appointment as the director, a candidate shall be a member in good standing of the State Bar of Georgia with at least seven years' experience in the practice of law. ~~The director shall be selected on the basis of training and experience and such other qualifications as the council deems appropriate.~~ The director shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b)(1) The director shall work with and provide support services and programs for circuit public defender offices and other attorneys representing indigent persons in criminal or juvenile cases in order to improve the quality and effectiveness of legal representation of such persons and otherwise fulfill the purposes of this chapter. Such services and programs shall include, but shall not be limited to, technical, research, and administrative assistance; educational and training programs for attorneys, investigators, and other staff; assistance with the representation of indigent defendants with mental disabilities; assistance with the representation of juveniles; assistance with death penalty cases; and assistance with appellate advocacy.

(2) The director may establish divisions within the office to administer the services and programs as may be necessary to fulfill the purposes of this chapter. The director shall establish a mental health advocacy division and the Georgia capital defender division.

(3) The director may hire and supervise such staff employees and may contract with outside consultants on behalf of the office as may be necessary to provide the services contemplated by this chapter.

(c) The director shall have and may exercise the following power and authority:

- (1) The power and authority to take or cause to be taken any or all action necessary to ~~perform any indigent defense services or otherwise necessary to~~ perform any duties, responsibilities, or functions which the director is authorized by law to perform and to exercise any power or authority which the council is authorized under subsection (a) of Code Section 17-12-4 to exercise; and
- ~~(2) The power and authority to enforce or otherwise require compliance with any and all rules, regulations, procedures, or directives necessary to perform any indigent defense services; to carry into effect the minimum standards and policies promulgated by the council; and to perform any duties, responsibilities, or functions which the council is authorized under subsection (a) of Code Section 17-12-4 to perform or to exercise; and~~
- ~~(3)~~(2) The power and authority to assist the council in the performance of its duties, responsibilities, and functions and the exercise of its power and authority.
- (d) The director shall:
- (1) Prepare and submit to the council a proposed budget for the council. The director shall also prepare and submit an annual report containing pertinent data on the operations, costs, and needs of the council and such other information as the council may require;
  - (2) Develop such ~~rules, procedures, and regulations~~ as the director determines may be necessary to carry out the provisions of this chapter ~~and submit these to the council for approval and comply with all applicable laws, standards, and regulations;~~
  - (3) Administer and coordinate the operations of the council ~~and supervise compliance with policies and standards adopted by the council;~~
  - (4) Maintain proper records of all financial transactions related to the operation of the council;
  - (5) At the director's discretion, solicit and accept on behalf of the council any funds that may become available from any source, including government, nonprofit, or private grants, gifts, or bequests;
  - (6) Coordinate the services of the council with any federal, county, or private programs established to provide assistance to indigent persons in cases subject to this chapter ~~and consult with professional bodies concerning the implementation and improvement of programs for providing indigent services;~~
  - (7) Provide for the training of attorneys and other staff involved in the legal representation of persons subject to this chapter;
  - (8) Attend all council meetings, except those meetings or portions thereof that address the question of appointment or removal of the director;
  - (9) Ensure that the expenditures of the council are not greater than the amounts budgeted or available from other revenue sources;
  - (10) Hire or remove a mental health advocate who shall serve as director of the division of the office of mental health advocacy;
  - (11) Hire or remove the capital defender who shall serve as the director of the division of the office of the Georgia capital defender; and
  - (12) Evaluate each circuit public defender's job performance.

(e) The director shall not:

- (1) Provide direct legal representation to any person entitled to services pursuant to this chapter; and
- (2) Engage in the private practice of law for profit."

#### **SECTION 5-5.**

Said chapter is further amended by revising Code Section 17-12-6, relating to assistance of council to public defenders, as follows:

"17-12-6.

(a) The council ~~shall~~ may assist the public defenders throughout the state in their efforts to provide adequate legal defense to the indigent. Assistance may include:

- (1) The preparation and distribution of a basic defense manual and other educational materials;
- (2) The preparation and distribution of model forms and documents employed in indigent defense;
- (3) The promotion of and assistance in the training of indigent defense attorneys;
- (4) The provision of legal research assistance to public defenders; and
- (5) The provision of such other assistance to public defenders as may be authorized by law.

(b) The council:

- (1) Shall be the fiscal officer for the circuit public defender offices and shall account for all moneys received from each governing authority; and
- (2) May ~~Shall~~ collect, maintain, review, and publish in print or electronically records and statistics for the purpose of evaluating the delivery of indigent defense representation in Georgia."

#### **SECTION 5-6.**

Said chapter is further amended by revising subsection (e) of Code Section 17-12-7, relating to councilmembers and meetings, as follows:

"(e) The council shall meet at least ~~quarterly~~ semiannually and at such other times and places as it deems necessary or convenient for the performance of its duties."

#### **SECTION 5-7.**

Said chapter is further amended by revising Code Section 17-12-8, relating to the approval by the council of programs for representation of indigent persons, as follows:

"17-12-8.

Reserved.

~~(a) The council shall approve the development and improvement of programs which provide legal representation to indigent persons and juveniles.~~

~~(b) The council shall approve and implement programs, services, policies, and standards as may be necessary to fulfill the purposes and provisions of this chapter and to comply with all applicable laws governing the rights of indigent persons accused of violations of criminal law.~~

~~(e) All policies and standards that are promulgated by the council shall be publicly available for review and shall be posted on the council's website. Each policy and standard shall identify the date upon which such policy and standard took effect."~~

#### **SECTION 5-8.**

Said chapter is further amended by revising Code Section 17-12-10, relating to annual reporting, as follows:

"17-12-10.

(a) Upon request, the ~~The~~ council shall prepare annually a report of its activities in order to provide the General Assembly, the Governor, and the Supreme Court of Georgia with an accurate description and accounting of the preceding year's expenditures and revenue, including moneys received from cities and county governing authorities. ~~Such report shall include a three year cost projection and anticipated revenues for all programs defined in the General Appropriations Act.~~

(b) Upon request, the ~~The~~ council shall provide to the General Assembly, the Governor, and the Supreme Court of Georgia a detailed analysis of all grants and funds, whether public or private, applied for or granted, together with how and in what manner the same are to be utilized and expended.

(c) Upon request, the ~~The~~ director shall prepare annually a report in order to provide the General Assembly, the Supreme Court, and the Governor with information on the council's assessment of the delivery of indigent defense services, including, but not limited to, the costs involved in operating each program and each governing authority's indigent person verification system, methodology used, costs expended, and savings realized."

#### **SECTION 5-9.**

Said chapter is further amended by revising Code Section 17-12-10.1, relating to the creation of the legislative oversight committee, as follows:

"17-12-10.1.

(a) There is created the Legislative Oversight Committee for the Georgia Public Defender ~~Standards~~ Council which shall be composed of eight persons: three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the Senate Committee on Assignments or such person or entity as established by Senate rule, and one member of the House of Representatives and one member of the Senate appointed by the Governor. The members of such committee shall be selected within ten days after the convening of the General Assembly in each odd-numbered year and shall serve until their successors are appointed.

(b) The Speaker of the House of Representatives shall appoint a member of such committee to serve as chairperson, and the Senate Committee on Assignments or such person or entity as established by Senate rule shall appoint one member of the committee to serve as vice chairperson during each even-numbered year. The Senate Committee on Assignments or such person or entity as established by Senate rule shall

appoint a member of such committee to serve as chairperson, and the Speaker of the House of Representatives shall appoint one member to serve as vice chairperson during each odd-numbered year. Such committee shall meet at least ~~three times~~ once each year and, upon the call of the chairperson, at such additional times as deemed necessary by the chairperson.

(c) It shall be the duty of such committee to review and evaluate:

- (1) Information on new programs submitted by the council;
- (2) Information on ~~rules, regulations, policies, and standards~~ proposed by the council;
- (3) The strategic plans for the council;
- (4) Program evaluation reports and budget recommendations of the council;
- (5) The fiscal impact of fees and fines on counties;
- (6) The reports submitted pursuant to Code Section 15-21A-7 in order to identify, among other things, opportunities to reduce or consolidate fees, fines, and surcharges; and
- (7) Such other information or reports as deemed necessary by such committee.

(d) The council and director shall cooperate with such committee and provide such information or reports as requested by the committee for the performance of its functions.

(e) The council shall submit its budget estimate to the director of the Office of Planning and Budget in accordance with subsection (a) of Code Section 45-12-78.

~~(f) The legislative oversight committee shall make an annual report of its activities and findings to the membership of the General Assembly, the Chief Justice of the Supreme Court, and the Governor within one week of the convening of each regular session of the General Assembly. The chairperson of such committee shall deliver written executive summaries of such report to the members of the General Assembly prior to the adoption of the General Appropriations Act each year.~~

~~(g)~~(f) The members of such committee shall receive the allowances authorized for legislative members of legislative committees. The funds necessary to pay such allowances shall come from funds appropriated to the House of Representatives and the Senate.

~~(h)~~(g) The legislative oversight committee shall be authorized to request that a performance audit of the council be conducted."

#### **SECTION 5-10.**

Said chapter is further amended by revising subsection (d) of Code Section 17-12-20, relating to the public defender selection panel, as follows:

"(d) A circuit public defender supervisory panel may convene at any time during its circuit public defender's term of office and shall convene at least annually for purposes of reviewing the circuit public defender's job performance and the performance of the circuit public defender office. The director and circuit public defender shall be notified at least two weeks in advance of the convening of the circuit public defender supervisory panel. The circuit public defender shall be given the opportunity to appear before the circuit public defender supervisory panel and present evidence and

testimony. The chairperson shall determine the agenda for the annual review process, but, at a minimum, such review shall include ~~information collected pursuant to subsection (c) of Code Section 17-12-24~~, usage of state and local funding, expenditures, and budgeting matters. The chairperson shall make an annual report on or before the thirtieth day of September of each year concerning the circuit public defender supervisory panel's findings regarding the job performance of the circuit public defender and his or her office to the director on a form provided to the panel by the director. If at any time the circuit public defender supervisory panel finds that the circuit public defender is performing in a less than satisfactory manner or finds information of specific misconduct, the circuit public defender supervisory panel may by majority vote of its members adopt a resolution seeking review of its findings and remonstrative action by the director. Such resolution shall specify the reason for such request. All evidence presented and the findings of the circuit public defender supervisory panel shall be forwarded to the director within 15 days of the adoption of the resolution. The director shall initiate action on the circuit public defender supervisory panel's resolution within 30 days of receiving the resolution. The director shall notify the circuit public defender supervisory panel, in writing, of any actions taken pursuant to submission of a resolution under this subsection."

#### **SECTION 5-11.**

Said chapter is further amended by revising subsection (a) of Code Section 17-12-23, relating to cases in which public defender representation is required, as follows:

"(a) The circuit public defender shall provide representation in the following actions and proceedings:

- (1) Any case prosecuted in a superior court under the laws of the State of Georgia in which there is a possibility that a sentence of imprisonment or probation or a suspended sentence of imprisonment may be adjudged;
- (2) A hearing on a revocation of probation in a superior court;
- (3) Any delinquency case prosecuted in juvenile court ~~case where the juvenile may face a disposition of confinement, commitment, or probation~~; and
- (4) Any direct appeal of any of the proceedings enumerated in paragraphs (1) through (3) of this subsection."

#### **SECTION 5-12.**

Said chapter is further amended by revising Code Section 17-12-36, relating to alternative delivery systems, as follows:

"17-12-36.

(a) The council may permit a judicial circuit composed of a single county to continue in effect an alternative delivery system to the one set forth in this article if:

(1) The delivery system:

- (A) Has a full-time director and staff and had been fully operational for at least two years on July 1, 2003; or

- (B) Is administered by the county administrative office of the courts or the office of the court administrator of the superior court and had been fully operational for at least two years on July 1, 2003;
- (2) The council, by majority vote of the entire council, determines that the delivery system meets or exceeds its policies ~~and standards, including, without limitation, caseload standards,~~ as the council adopts;
- (3) The governing authority of the county comprising the judicial circuit enacts a resolution expressing its desire to continue its delivery system and transmits a copy of such resolution to the council not later than September 30, 2004; and
- (4) The governing authority of the county comprising the judicial circuit enacts a resolution agreeing to fully fund its delivery system.
- (b) A judicial circuit composed of a single county may request an alternative delivery system only one time; provided, however, that if such judicial circuit's request for an alternative delivery system was disapproved on or before December 31, 2004, such judicial circuit may make one further request on or before September 1, 2005. The council shall allow such judicial circuit to have a hearing on such judicial circuit's request.
- (c) The council shall make a determination with regard to continuation of an alternative delivery system not later than December 1, 2005, and if the council determines that such judicial circuit's alternative delivery system does not meet the ~~standards~~ requirements as established by the council, the council shall notify such judicial circuit of its deficiencies in writing and shall allow such judicial circuit an opportunity to cure such deficiencies. The council shall make a final determination with regard to continuation of an alternative delivery system on or before December 31, 2005. Initial and subsequent approvals of alternative delivery systems shall be by a majority vote of the entire council.
- (d) Any circuit whose alternative delivery system is disapproved at any time shall be governed by the provisions of this article other than this Code section.
- (e) In the event an alternative delivery system is approved, the council shall annually review the operation of such system and determine whether such system is meeting the ~~standards~~ requirements as established by the council and is eligible to continue operating as an approved alternative delivery system. In the event the council determines that such system is not meeting the ~~standards~~ requirements as established by the council, the council shall provide written notice to such system of the deficiencies and shall provide such system an opportunity to cure such deficiencies.
- (f) In the event an alternative delivery system is approved, it shall keep and maintain appropriate records, which shall include the number of persons represented; the offenses charged; the outcome of each case; the expenditures made in providing services; and any other information requested by the council.
- (g) In the event the council disapproves an alternative delivery system either in its initial application or annual review, such system may appeal such decision to the ~~Supreme Court of Georgia~~ council under such rules and procedures as shall be prescribed by the ~~Supreme Court~~ council.

(h) An approved alternative delivery system shall be paid by the council, from funds available to the council, in an amount equal to the amount that would have been allocated to the judicial circuit for the minimum salary of the circuit public defender, the assistant circuit public defenders, the investigator, and the administrative staff, exclusive of benefits, if the judicial circuit was not operating an alternative delivery system."

#### **SECTION 5-13.**

Said chapter is further amended by revising subsection (c) of Code Section 17-12-51, relating to repayment of attorney's fees as a condition of probation, as follows:

"(c) If a defendant who is represented by a public defender, who is paid for entirely by the state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other costs of the defense if the payment does not impose a financial hardship upon such defendant or such defendant's dependent or dependents. Such defendant shall make such payment through the probation department to the Georgia Public Defender Standards Council for payment to the general fund of the state treasury."

#### **SECTION 5-14.**

Said chapter is further amended by revising subsection (b) of Code Section 17-12-80, relating to the requirement for verification of indigency, as follows:

"(b) The council shall establish policies ~~and standards~~ to determine approval of an indigent person verification system and shall annually provide written notification to the Georgia Superior Court Clerks' Cooperative Authority as to whether or not a governing authority has an approved indigent person verification system."

### **PART VI**

#### **SECTION 6-1.**

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsections (e) and (g) of Code Section 15-6-76.1, relating to investing or depositing funds, as follows:

"(e) When funds have been paid into the registry of the court and the order of the court relating to such funds does not state that such funds shall be placed in an interest-bearing trust account for the benefit of one or more of the parties, the clerk shall deposit such funds in an interest-bearing trust account, and the financial institution in which such funds are deposited shall remit, after service charges or fees are deducted, the interest generated by said funds directly to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month following the month in which such funds were received for distribution to the Georgia Public Defender Standards Council for allotment to the circuit public defender offices. With each remittance, the financial institution shall send a statement showing the name of the court, the rate of interest

applied, the average monthly balance in the account against which the interest rate is applied, the service charges or fees of the bank or other depository, and the net remittance. This subsection shall include, but not be limited to, cash supersedeas bonds for criminal appeal, other supersedeas bonds, and bonds or funds paid into the court registry in actions involving interpleader, condemnation, and requests for injunctive relief."

"(g) Any interest earned on funds subject to this Code section or Code Section 15-7-49, 15-9-18, or 15-10-240 while in the custody of the Georgia Superior Court Clerks' Cooperative Authority shall be remitted to the Georgia Public Defender Standards Council."

#### **SECTION 6-2.**

Said title is further amended by revising Code Section 15-7-49, relating to remittance of interest from interest-bearing trust account, as follows:

"15-7-49.

When funds are paid into the court registry, the clerk shall deposit such funds in interest-bearing trust accounts, and the interest from those funds shall be remitted to the Georgia Superior Court Clerks' Cooperative Authority in accordance with the provisions of subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public Defender Standards Council."

#### **SECTION 6-3.**

Said title is further amended by revising Code Section 15-9-18, relating to remittance of interest from cash bonds, as follows:

"15-9-18.

Whenever the sheriff transfers cash bonds to the clerk of the court, pursuant to Code Section 15-16-27, the clerk shall deposit such funds into interest-bearing trust accounts, and the interest from those funds shall be remitted to the Georgia Superior Court Clerks' Cooperative Authority in accordance with the provisions of subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public Defender Standards Council."

#### **SECTION 6-4.**

Said title is further amended by revising Code Section 15-10-240, relating to remittance of interest from funds, as follows:

"15-10-240.

When funds are paid into the court registry, the clerk shall deposit such funds in interest-bearing trust accounts, and the interest from those funds shall be remitted to the Georgia Superior Court Clerks' Cooperative Authority in accordance with the provisions of subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public Defender Standards Council."

**SECTION 6-5.**

Said title is further amended by revising subsection (b) of Code Section 15-16-27, relating to deposit of cash bonds and reserves of professional bondspersons in interest-bearing accounts, as follows:

"(b) The financial institution in which the funds are deposited shall remit, after service charges or fees are deducted, the interest generated by such funds directly to the Georgia Superior Court Clerks' Cooperative Authority in accordance with the provisions of subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public Defender Standards Council. With each remittance, the financial institution shall send a statement showing the name of the county, deposits and withdrawals from the account or accounts, interest paid, service charges or fees of the bank or other depository, and the net remittance."

**SECTION 6-6.**

Said title is further amended by revising subsection (c) of Code Section 15-21A-7, relating to rules, regulations, reporting, and accounting, as follows:

"(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all fines and fees collected and remitted by any court and shall submit such report and accounting to the Legislative Oversight Committee for the Georgia Public Defender Standards Council, the Office of Planning and Budget, the Chief Justice of the Supreme Court of Georgia, the House Budget and Research Office, and the Senate Budget and Evaluation Office no later than 60 days after the last day of the preceding quarter."

**SECTION 6-7.**

Code Section 35-6A-3 of the Official Code of Georgia Annotated, relating to the membership on the Criminal Justice Coordinating Council, is amended by revising paragraph (1) of subsection (a) and subsection (c) as follows:

"(1) The chairperson of the Georgia Peace Officer Standards and Training Council, the director of homeland security, the chairperson of the Judicial Council of Georgia, the chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the commissioner of corrections, the chairperson of the Board of Corrections, the vice chairperson of the Board of Public Safety, the chairperson of the State Board of Pardons and Paroles, the State School Superintendent, the commissioner of community affairs, the president of the Council of Juvenile Court Judges, the chairperson of the Georgia Public Defender Standards Council, the chairperson of the Governor's Office for Children and Families, and the commissioner of juvenile justice or their designees shall be ex officio members of the council, as full voting members of the council by reason of their office; and"

"(c) The initial terms for all 19 original members shall begin July 1, 1981. The initial term for the member added in 1985 shall begin July 1, 1985. The initial term for the member added in 1988 shall begin July 1, 1988. The initial term for the member added in 1989 shall begin July 1, 1989. The State School Superintendent shall be a member

effective on July 1, 1989. The chairperson of the Georgia Public Defender Standards Council shall become a member on December 31, 2003."

#### **SECTION 6-8.**

Code Section 36-32-1 of the Official Code of Georgia Annotated, relating to establishment of municipal court, is amended by revising subsections (f) and (g) as follows:

"(f) Any municipal court operating within this state and having jurisdiction over the violation of municipal ordinances and over such other matters as are by specific or general law made subject to the jurisdiction of municipal courts shall not impose any punishment of confinement, probation, or other loss of liberty, or impose any fine, fee, or cost enforceable by confinement, probation, or other loss of liberty, as authorized by general law or municipal or county ordinance, unless the court provides to the accused the right to representation by a lawyer, and provides to those accused who are indigent the right to counsel at no cost to the accused. Such representation shall be subject to all applicable standards adopted by the Georgia Public Defender Standards Council for representation of indigent persons in this state.

(g) Any municipal court operating within this state that has jurisdiction over the violation of municipal or county ordinances or such other statutes as are by specific or general law made subject to the jurisdiction of municipal courts, and that holds committal hearings in regard to such alleged violations, must provide to the accused the right to representation by a lawyer, and must provide to those accused who are indigent the right to counsel at no cost to the accused. Such representation shall be subject to all applicable standards adopted by the Georgia Public Defender Standards Council for representation of indigent persons in this state."

#### **PART VII** **SECTION 7-1.**

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2015.

(b) Part II of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The provisions of Part II of this Act shall be given retroactive effect to those sentences imposed before the effective date of Part II of this Act.

#### **SECTION 7-2.**

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

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

Representative Roberts of the 155th moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 170. By Representatives Roberts of the 155th, Burns of the 159th, Hamilton of the 24th, England of the 116th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend various provisions of the O.C.G.A., so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic; to amend Chapter 12 of Title 45 of the O.C.G.A., relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the O.C.G.A., relating to revenue and taxation; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the O.C.G.A., the "Georgia Transportation Infrastructure Bank Act," so as to provide new criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

**AFTERNOON SESSION**

The Speaker called the House to order.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 568. By Representatives Gravley of the 67th, Hightower of the 68th, Bruce of the 61st, Alexander of the 66th and Jones of the 62nd:

A RESOLUTION honoring the life of Captain Herb Emory and inviting Mrs. Karen Emory, Sheriff Phil Miller, Deputy Chief Stan Copeland, Lt. Glenn Daniel, Lt. Elmer Horn, Chairman Tom Worthan, Chief Chris Womack, Mayor Harvey Persons, Chief Joe Whisenant, Clark Howard, Mark Arum, Doug Turnbull, Mark McKay, Pete Spriggs, Ashley Frasca, Jason Durden, Kim McCarthy, Sheriff Gary Gulledege, and Roger Leggett to be recognized by the House of Representatives; and for other purposes.

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

HR 549 Do Pass  
HR 568 Do Pass

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

HR 549. By Representatives Williams of the 168th, Stephens of the 164th, Hitchens of the 161st, Gordon of the 163rd and Bryant of the 162nd:

A RESOLUTION commending the Third Infantry Division of the United States Army at Fort Stewart; recognizing March 9, 2015, as Third Infantry Division Day at the state capitol; and inviting Major General John M. Murray, Command Sergeant Major Christopher G. Gilpin, Brigadier General James R. Blackburn, Jr., Command Sergeant Major Stanley Varner, Colonel Kevin F. Gregory, Command Sergeant Major Myron J. Lewis, Mayor Edna B. Jackson of Savannah, and Mayor Jim Thomas, Jr., of Hinesville to be recognized by the House of Representatives; and for other purposes.

HR 568. By Representatives Gravley of the 67th, Hightower of the 68th, Bruce of the 61st, Alexander of the 66th and Jones of the 62nd:

A RESOLUTION honoring the life of Captain Herb Emory and inviting Mrs. Karen Emory, Sheriff Phil Miller, Deputy Chief Stan Copeland, Lt. Glenn Daniel, Lt. Elmer Horn, Chairman Tom Worthan, Chief Chris Womack, Mayor Harvey Persons, Chief Joe Whisenant, Clark Howard, Mark Arum, Doug Turnbull, Mark McKay, Pete Spriggs, Ashley Frasca, Jason Durden, Kim McCarthy, Sheriff Gary Gullede, and Roger Leggett to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 567. By Representatives Nimmer of the 178th, Dickey of the 140th and Watson of the 172nd:

A RESOLUTION recognizing July 16, 2015, as Eat a Georgia Grown Fresh Fruit and Vegetable Day at the state capitol; and for other purposes.

HR 569. By Representative Brooks of the 55th:

A RESOLUTION honoring the life and memory of Reverend Dr. Joseph Lawrence Roberts, Jr.; and for other purposes.

HR 570. By Representatives Bell of the 58th, Bennett of the 94th, Kaiser of the 59th, Gardner of the 57th, Thomas of the 56th and others:

A RESOLUTION commending Atlanta Metropolitan State College and recognizing March 18, 2015, as Atlanta Metropolitan State College Day at the capitol; and for other purposes.

HR 571. By Representative Harden of the 148th:

A RESOLUTION recognizing and commending Miss Carla Penney, 2015 Georgia Watermelon Queen; and for other purposes.

HR 572. By Representatives Smith of the 41st, Wilkerson of the 38th, Thomas of the 39th and Floyd of the 99th:

A RESOLUTION commending Shauna Bristol, Smitha's 2014-2015 Teacher of the Year; and for other purposes.

HR 573. By Representatives Smith of the 41st, Wilkerson of the 38th, Evans of the 42nd, Thomas of the 39th and Floyd of the 99th:

A RESOLUTION commending Tina Jenkins, Dowell's 2014-2015 Teacher of the Year; and for other purposes.

HR 574. By Representatives Smith of the 41st, Wilkerson of the 38th, Evans of the 42nd, Thomas of the 39th and Floyd of the 99th:

A RESOLUTION commending Randy Brooks, Osborne's 2014-2015 Teacher of the Year; and for other purposes.

HR 575. By Representative Marin of the 96th:

A RESOLUTION commending the 100 Influential Georgia American Muslims; and for other purposes.

HR 576. By Representatives Smith of the 41st, Wilkerson of the 38th, Evans of the 42nd, Thomas of the 39th and Floyd of the 99th:

A RESOLUTION commending Dwan C. Jones, Birney's 2014-2015 Teacher of the Year; and for other purposes.

HR 577. By Representatives Smith of the 41st, Wilkerson of the 38th, Evans of the 42nd and Thomas of the 39th:

A RESOLUTION commending Kathleen Fagan, Norton Park's 2014-2015 Teacher of the Year; and for other purposes.

HR 578. By Representative Greene of the 151st:

A RESOLUTION congratulating Grace Virginia Richardson Humphrey Cutts upon the grand occasion of her 103rd birthday; and for other purposes.

HR 579. By Representatives Smith of the 41st, Wilkerson of the 38th, Thomas of the 39th and Floyd of the 99th:

A RESOLUTION commending Valerie Wisniewski, Hollydale's 2014-2015 Teacher of the Year; and for other purposes.

HR 580. By Representatives Smith of the 41st, Wilkerson of the 38th, Thomas of the 39th and Floyd of the 99th:

A RESOLUTION commending Jzsanettae Webster, Milford's 2014-2015 Teacher of the Year; and for other purposes.

HR 581. By Representatives Marin of the 96th, Mayo of the 84th and Mitchell of the 88th:

A RESOLUTION commending La Unidad Latina, Lambda Upsilon Lambda Fraternity, Incorporated, and recognizing March 26, 2015, as Lambda Day at the state capitol; and for other purposes.

HR 582. By Representatives Smith of the 41st, Wilkerson of the 38th, Evans of the 42nd and Thomas of the 39th:

A RESOLUTION commending Elsa Cheng, LaBelle's 2014-2015 Teacher of the Year; and for other purposes.

HR 583. By Representatives Hitchens of the 161st, Tanner of the 9th, Holmes of the 129th, Lumsden of the 12th, Gravley of the 67th and others:

A RESOLUTION recognizing and commending J. Dale Mann; and for other purposes.

HR 584. By Representatives Thomas of the 39th, Abrams of the 89th, Pezold of the 133rd, Peake of the 141st, Cantrell of the 22nd and others:

A RESOLUTION commending the dedication and hard work of Georgia's child welfare workers and foster parents and recognizing May 31, 2015, as Foster Kid's Day in Georgia; and for other purposes.

HR 585. By Representatives Scott of the 76th, Stovall of the 74th, Douglas of the 78th, Waites of the 60th, Glanton of the 75th and others:

A RESOLUTION recognizing and commending Angela Bokelman, Anderson Elementary School's Teacher of the Year; and for other purposes.

HR 586. By Representatives Scott of the 76th, Douglas of the 78th, Stephenson of the 90th, Stovall of the 74th, Waites of the 60th and others:

A RESOLUTION recognizing and commending Angela Stafford, Fairview Elementary School's Teacher of the Year; and for other purposes.

HR 587. By Representatives Scott of the 76th, Douglas of the 78th, Stephenson of the 90th, Stovall of the 74th, Waites of the 60th and others:

A RESOLUTION recognizing and commending Yvette McEwen Christian, Austin Road Middle School's Teacher of the Year; and for other purposes.

HR 588. By Representatives Alexander of the 66th, Gravley of the 67th, Rakestraw of the 19th and Maxwell of the 17th:

A RESOLUTION honoring the life and memory of Katrina Monique Cook; and for other purposes.

HR 589. By Representatives Gardner of the 57th, Brooks of the 55th and Thomas of the 56th:

A RESOLUTION honoring the life and memory of John William Perdue and recognizing March 22, 2015, as John William Perdue Day; and for other purposes.

HR 590. By Representatives Hitchens of the 161st, Epps of the 144th, Tanner of the 9th, Lumsden of the 12th, Gravley of the 67th and others:

A RESOLUTION recognizing and commending Officer John K. Wilson; and for other purposes.

HR 591. By Representative Cheokas of the 138th:

A RESOLUTION recognizing and commending Ms. Tami Peavy-Owen, a Georgia Trend Magazine 2014 40 Under 40 selectee and outstanding Georgia citizen; and for other purposes.

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

HB 366. By Representatives Strickland of the 111th, Hamilton of the 24th, Bryant of the 162nd, Pruett of the 149th, Stephens of the 164th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of employment of minors, so as to change certain provisions related to the employment of minors; to change certain provisions relating to the issuance of employment certificates for minors; to change certain provisions related to identification cards required for the employment of minors; to provide for gender neutrality; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, so as to provide that certain documents relating to the employment of minors as actors or performers shall be exempt from such disclosure; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of employment of minors, so as to change certain provisions related to the employment of minors; to change certain provisions relating to the issuance of employment certificates for minors; to change certain provisions related to identification cards required for the employment of minors; to provide for gender neutrality; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, so as to provide that certain documents relating to the employment of minors as actors or performers shall be exempt from such disclosure; 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 39 of the Official Code of Georgia Annotated, relating to regulation of employment of minors, is amended by revising Code Section 39-2-11, relating to required employment certificates and the requirements for issuance of such certificates, as follows:

"39-2-11.

(a) ~~No minor between the ages of 12 and 16 years~~ Minors who are at least 12 years of age but less than 16 years of age shall not be employed by or permitted to work for any person, firm, or corporation unless a an employment certificate, showing the true age of such minor and that such minor is not less than 12 years of age and is physically fit to engage in the employment sought to be obtained, ~~shall be~~ is issued in writing by an appropriate issuing officer who shall be one of the following:

(1) If enrolled in a public school, the school superintendent or ~~by~~ some member of his or her staff authorized by him ~~in writing~~ or her, in the county or city where the minor resides; ~~or, if a student at~~

(2) If enrolled in a licensed private school, ~~by~~ the principal administrative officer thereof or ~~by~~ some member of his or her staff authorized by him or her; or

(3) If enrolled in a home study program, the person, parent, or guardian providing the home study program. ~~in writing. A certificate shall also be required for employment of minors between the ages of 16 and 18.~~

~~(b) The certificate provided for in subsection (a) of this Code section must show that the minor is 16 years of age to qualify such minor to work between the hours of 9:00 P.M. and 6:00 A.M. and to be employed in any of the occupations covered by Code Section 39-2-2.~~

~~(e)~~(b) No employment certificate shall be issued to any minor until ~~he~~ the minor shall have submitted to the issuing officer:

- (1) A certified copy of a birth certificate or birth registration card; and
- (2) A statement from the prospective employer describing the type of employment offered; and indicating that if ~~he were~~ furnished with a certificate from the ~~school superintendent~~ appropriate issuing officer as required by law, ~~he~~ in subsection (a) of this Code section, such prospective employer could employ the minor immediately ~~and describing the type of employment offered.~~ It shall be understood that the prospective employer, by furnishing such statement, does not undertake to employ the minor for any specific period of time.

~~(d) A like certificate, a copy of which shall be made a part of the minor's school file, shall be issued in cases of all minors between the ages of 16 and 18. The certificate must show that the minor is fully 16 years of age in order to qualify the minor to work between the hours of 9:00 P.M. and 6:00 A.M. and to be employed in any of the occupations covered by Code Section 39-2-2. In addition to the certificate, the superintendent of schools, or some member of his staff authorized by him, shall issue an identification card to each minor in this category of employment. The identification card will certify that the minor is eligible for employment. The minor shall be exempt from future filings of employment certificates unless his certificate is revoked by the Commissioner of Labor.~~

~~(e)(1)(c)(1)~~ The employment certificate provided for in subsection (a) of this Code section shall be accompanied by a letter from the ~~minor's school administrator~~ appropriate issuing officer indicating that the minor is enrolled in a school or a home study program full-time and has an attendance record in good standing for the current academic year. The employer of a minor shall maintain a copy of such certificate and letter in the minor's employment file. Such letter shall be updated in January of each subsequent academic year during which the minor maintains his or her employment until such minor reaches the age of ~~18~~ 16 years ~~or receives a high school diploma, a general educational development (GED) diploma, a special education diploma, or a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school.~~ Any employer failing to comply with this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$1,000.00, up to 12 months' imprisonment, or both, for each violation.

(2) The State Board of Education shall promulgate rules and regulations to provide for the issuance of a waiver or exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor."

**SECTION 2.**

Said chapter is further amended by revising Code Section 39-2-11.1, relating to employment of minors 14 years of age or older during school vacation months for care of lawns, gardens, and shrubbery, as follows:

"39-2-11.1.

Notwithstanding any other provision of this chapter or any rule or regulation of the Commissioner of Labor adopted pursuant to the provisions of Code Section 39-2-2 to the contrary, a minor 14 years of age or over may be employed during the months of vacation from school in the care and maintenance of lawns, gardens, and shrubbery owned or leased by the employer of such minor, including the operation of equipment in connection therewith, provided that the minor is covered by an accident and sickness insurance plan or a workers' compensation insurance policy or plan provided by the employer; ~~that,~~ the minor presents the employer with the employment certificate required by Code Section 39-2-11; and that the minor is permitted by the employer to care for and maintain only those lawns, gardens, and shrubbery owned or leased by the employer. The work authorized by this Code section includes the care and maintenance of lawns, gardens, and shrubbery on the grounds of mills or factories described in Code Section 39-2-1 and on the grounds of any other factory, mill, or business where employment of the minor within the factory, mill, or business might be prohibited by this chapter or by rules and regulations of the Commissioner of Labor."

**SECTION 3.**

Said chapter is further amended by revising subsection (b) of Code Section 39-2-12, relating to the contents of employment certificates, the furnishing of blank forms of employment certificates and identification cards, and the filing of duplicate copies, as follows:

"(b) Blank forms of employment certificates ~~and identification cards~~ shall be ~~furnished~~ made available by the Commissioner of Labor to ~~the~~ school superintendents of public schools in the respective cities and counties, to principal administrative officers of private schools, and to persons, parents, or guardians providing home study programs."

**SECTION 4.**

Said chapter is further amended by revising Code Section 39-2-14, relating to revocation of employment certificates by the Commissioner of Labor, as follows:

"39-2-14.

The Commissioner of Labor may at any time revoke any employment certificate if in his or her judgment the employment certificate was improperly issued. The Commissioner shall be authorized to investigate the true age of any minor employed, hear evidence, and require the production of relevant books or documents. If the employment certificate of a minor is revoked, the employer of the minor at the time of the revocation shall be notified and the minor shall not be employed or permitted to work thereafter until a new and valid employment certificate shall have been obtained."

**SECTION 5.**

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, is amended in subsection (a) by striking "or" at the end of paragraph (47), by replacing the period at the end of paragraph (48) with "; or", and by adding a new paragraph to read as follows:

"(49) Data, records, or information acquired by the Commissioner of Labor or the Department of Labor as part of any investigation required pursuant to Code Section 39-2-18, relating to minors employed as actors or performers."

**SECTION 6.**

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

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C

Y Clark, H	Y Gordon	E Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

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

HB 200. By Representatives Parsons of the 44th, Kaiser of the 59th and Rice of the 95th:

A BILL to be entitled an Act to amend Code Section 48-7-40.16 of the Official Code of Georgia Annotated, relating to an income tax credit for low-emission vehicles, so as to change the amount of the credit for electric vehicle chargers; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 48-7-40.16 of the Official Code of Georgia Annotated, relating to an income tax credit for low-emission vehicles, so as to change the amount of the credit for electric vehicle chargers and compressed natural gas fueling appliances; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 48-7-40.16 of the Official Code of Georgia Annotated, relating to an income tax credit for low-emission vehicles, is amended by adding a new paragraph to subsection (a) and revising subsections (d) and (e) as follows:

"(2.1) 'Compressed natural gas fueling appliance' means an appliance for fueling natural gas cylinders in motor vehicles that enables a business enterprise to refuel such motor vehicles."

"(d) A tax credit is allowed against the tax imposed under this article to any business enterprise or business engaged in the ownership or operation of commercial office, residential, retail, or industrial real property for the purchase or lease of each electric vehicle charger or compressed natural gas fueling appliance that is located in the State of Georgia. The amount of the credit shall be:

(1) Twenty ~~10~~ percent of the cost of the charger or compressed natural gas fueling appliance or \$2,500.00, whichever is less, until June 30, 2018; and

(2) Ten percent of the cost of the charger or compressed natural gas fueling appliance or \$2,500.00, whichever is less, from July 1, 2018, until June 30, 2020.

The total amount of income tax credits under this subsection shall not exceed \$750,000.00 in any given year, and the total amount of income tax credits allowed to a single taxpayer shall not exceed \$150,000.00.

(e) The 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, 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)(A) In order to receive a tax credit under subsection (d) of this Code section, the taxpayer shall electronically notify the department, in a manner specified by the department, of the total amount of credit to be claimed before purchasing a charger or compressed natural gas fueling appliance. The commissioner shall preapprove or deny the requested amount within 15 days after receiving the request from the taxpayer. The taxpayer shall then certify with the Environmental Protection Division of the Department of Natural Resources the installation of the charger or compressed natural gas fueling appliance within 60 days after receiving notice from the department that the requested amount was preapproved.

(B) The Environmental Protection Division of the Department of Natural Resources shall report to the department all taxpayers which have certified the installation of a charger or compressed natural gas fueling appliance and the date which each certification was given.

(C) The department shall establish a web based approval process to implement this paragraph;

~~(4)~~(5) 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 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)~~(6) In no event shall the amount of any tax credit provided in this Code section exceed the taxpayer's income tax liability; and

~~(6)~~(7) 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."

## SECTION 2.

This Act shall become effective on July 1, 2015.

## SECTION 3.

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

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	N Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	N Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	N Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	E Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T

N Brockway	Y Efstoration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	N Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	N Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	E Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 16.

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

HB 368. By Representatives Strickland of the 111th, Hamilton of the 24th, Bryant of the 162nd, Pruett of the 149th, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to buildings relative to the standards and requirements for construction, alteration, and other matters, so as to repeal and reserve Part 5 of said article, relating to glass installations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall

Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstrotation	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	E Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 170, nays 0.

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

Representative Nimmer of the 178th moved that the following Bill of the House be withdrawn from the Committee on Public Safety & Homeland Security and recommitted to the Committee on Retirement:

HB 421. By Representatives Nimmer of the 178th, Coomer of the 14th, Dickey of the 140th and Rogers of the 10th:

A BILL to be entitled an Act to amend Code Section 47-2-221 of the Official Code of Georgia Annotated, relating to disability allowances payable to personnel for certain disabilities arising in the line of duty, so as to provide that community supervision officers employed by the Department of Community Supervision shall be entitled to certain disability benefits; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The following Resolutions of the House were read and adopted:

HR 592. By Representatives Randall of the 142nd, Epps of the 144th, Beverly of the 143rd, Peake of the 141st and Dickey of the 140th:

A RESOLUTION commending Leadership Macon; and for other purposes.

HR 593. By Representatives Randall of the 142nd, Epps of the 144th, Beverly of the 143rd, Dickey of the 140th and Peake of the 141st:

A RESOLUTION commending Leadership Macon and co-founder Bob Hatcher; and for other purposes.

HR 594. By Representatives Dollar of the 45th, Geisinger of the 48th and Kidd of the 145th:

A RESOLUTION recognizing March 9, 2015, as Hemophilia of Georgia Day at the state capitol; and for other purposes.

HR 595. By Representatives Hugley of the 136th, Smyre of the 135th, Smith of the 134th, Buckner of the 137th and Pezold of the 133rd:

A RESOLUTION recognizing and commending Reverend James Calvin Harris, Sr., on the grand occasion of his retirement; and for other purposes.

HR 596. By Representatives Randall of the 142nd, Epps of the 144th, Beverly of the 143rd, Dickey of the 140th and Peake of the 141st:

A RESOLUTION commending Leadership Macon and co-founder Charles Jay; and for other purposes.

HR 597. By Representatives Glanton of the 75th, Smyre of the 135th, Abrams of the 89th, Dawkins-Haigler of the 91st, Stovall of the 74th and others:

A RESOLUTION recognizing March 25, 2015, as Caribbean-American Heritage Day at the state capitol; and for other purposes

HR 598. By Representatives Gordon of the 163rd, Stephens of the 165th, Williams of the 168th, Stephens of the 164th, Petrea of the 166th and others:

A RESOLUTION honoring the life and memory of Pastor Gregory A. Tyson, Sr.; and for other purposes.

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

HOUSE SUPPLEMENTAL RULES CALENDAR  
THURSDAY, MARCH 5, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 27th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

None

**Modified Structured Rule**

**Pursuant to House Rule 33.3, debate shall be limited to no more than one hour on HB 170.  
Time to be allocated at the discretion of the Speaker.**

HB 170      Transportation Funding Act of 2015; enact (Substitute)  
                  (Trans-Roberts-155th) (Rules Committee Substitute LC 34 4595S)  
                  (AM 34 0688) (AM 34 0689)

**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

Representative O'Neal of the 146th moved that amendment AM 34 0676 to the Committee Substitute to HB 170, LC 34 4586S, be withdrawn.

The motion prevailed.

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

HB 170. By Representatives Roberts of the 155th, Burns of the 159th, Hamilton of the 24th, England of the 116th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend various provisions of the O.C.G.A., so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic; to amend Chapter 12 of Title 45 of the O.C.G.A., relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the O.C.G.A., relating to revenue and taxation; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the O.C.G.A., the "Georgia Transportation Infrastructure Bank Act," so as to provide new criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL TO BE ENTITLED  
AN ACT

To amend various provisions of the Official Code of Georgia Annotated so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to define education transportation purposes; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to levy a registration fee on alternative fueled vehicles; to amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to reduce the state income tax credits for low-emission vehicles to zero; to provide for the elimination of sales and use taxes with respect to certain sales of motor fuels; to revise the exemption from sales and use taxes for jet fuel; to provide for revised definitions of certain terms relating to prepaid motor fuel taxes; to provide for an increase in the local cap on taxation; to change the rate and method of computation of the excise tax on motor fuels; to repeal the second motor fuel tax; to provide for editorial revision; to prohibit the levy of certain local sales and use taxes on motor fuel; to provide for the use of proceeds from the special purpose local option sales tax for transportation purposes; to define transportation purposes; to provide for the use of proceeds from the education special purpose local option sales tax for

education transportation purposes; to define education transportation purposes; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," so as to provide revised criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide for a short title; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

This Act shall be known and may be cited as the "Transportation Funding Act of 2015."

**SECTION 1-2.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-411, relating to the use of school funds, as follows:

"20-2-411.

(a) When the public school fund shall be received and receipted for, it shall be the duty of the officers authorized by law to receive such fund and keep it separate and distinct from other funds. The school funds shall be used for educational purposes and may be used to pay the salaries of personnel and to pay for the utilization of school facilities, including school buses, for extracurricular and interscholastic activities, including literary events, music and athletic programs within individual schools and between schools in the same or in different school systems when such activities are sponsored by local boards of education as an integral part of the total school program, and for no other purpose. When taxes are paid into the state treasury, the comptroller general shall in no case receipt a tax collector for them until that part of the tax so paid in which was raised for school purposes is separated in amount from the gross amount paid in. It shall be lawful to invest school funds in securities of the states, United States, or municipalities of this state or in certificates of deposit.

(b)(1) In addition to the proper uses of school funds contained in subsection (a) of this Code section, it is the intention of the General Assembly, pursuant to the authority granted by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, to further define and implement by general law that education transportation purposes shall constitute a proper expenditure of school funds derived from proceeds from the levy of a sales tax for educational purposes.

(2) As used in this subsection, the term 'education transportation purposes' means, for purposes of proceeds of a tax levied pursuant to Part 2 of Article 3 of Chapter 8 of Title 48, which proceeds are attributable to the sale of motor fuel as prepaid local tax as such term is defined in Code Section 48-8-2, pursuant to the authority granted to the General Assembly by Article VIII, Section VI, Paragraph IV of the Constitution

of Georgia, transportation necessary to move students to and from educational facilities in this state and all accompanying infrastructure and support necessary to provide safe and efficient access to and egress from these educational facilities."

**PART II**  
**SECTION 2-1.**

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (7) of subsection (1) of Code Section 40-2-86.1, relating to certain special license plates, as follows:

"(7)(A) A special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of ~~the~~ this state except that the commissioner shall place a distinctive logo or emblem on the license plate which shall distinguish the vehicle as an alternative fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section 32-9-4. The words 'alternative fueled vehicle' shall be imprinted on such special license plate in lieu of the county name decal. The funds raised by the sale of this license plate shall be deposited in the general fund.

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

(i) 'Alternative fuel' means ~~methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more or such other percentage, but not less than 70 percent, as determined by the United States secretary of energy, by rule as it existed on January 1, 1997, to provide for requirements relating to cold start, safety, or vehicle functions, 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; electricity including electricity from solar energy; and any other fuel the United States secretary of energy determined by rule as it existed on January 1, 1997, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits~~ electricity, natural gas, and propane.

(ii) 'Alternative fueled vehicle' means: ~~(I) Any~~ any vehicle fueled solely by alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel;  
or

~~(II) A hybrid vehicle, which means a motor vehicle which draws propulsion energy from onboard sources of stored energy which include an internal combustion or heat engine using combustible fuel and a rechargeable energy storage system; and, in the case of a passenger automobile or light truck, means for any 2000 and later model, a vehicle which has received a certificate of conformity under the Clean Air Act, 42 U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying California low emission vehicle standard under Section 243(e)(2) of the Clean Air Act, 42 U.S.C. Section 7583(e)(2), for~~

~~that make and model year or, for any 2004 and later model, a vehicle which has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under Section 202(i) of the Clean Air Act, 42 U.S.C. Section 7521(i), for that make and model year vehicle and which achieves a composite label fuel economy greater than or equal to 1.5 times the Model Year 2002 EPA composite class average for the same vehicle class and which is made by a manufacturer.~~

(C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the applicant for a special license plate for any alternative fueled vehicle shall provide proof that he or she has paid the registration fee prescribed therein prior to the issuance of any special license plate under this paragraph."

**SECTION 2-2.**

Said title is further amended by adding a new paragraph to subsection (a) of Code Section 40-2-151, relating to the annual license fees for the operation of vehicles, to read as follows:

"(19)(A)(i) Upon registration of an alternative fueled vehicle not operated for commercial purposes ..... 200.00

(ii) Upon registration of an alternative fueled vehicle operated for commercial purposes ..... 300.00

(B)(i) As used in this paragraph, the term 'alternative fueled vehicle' shall have the same meaning as in division (1)(7)(B)(ii) of Code Section 40-2-86.1; provided, however, that the fees in this paragraph shall not be assessed on vehicles which operate primarily on compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

(ii) The fees in this paragraph shall be in addition to any other fee imposed on the vehicle by this Code section.

(iii) The fees in this paragraph shall be automatically adjusted on an annual basis by multiplying the percentage of increase or decrease in a given year in highway construction costs as measured by the National Highway Construction Cost Index published by the Office of Highway Policy Information of the Federal Highway Administration by the current fee. The resulting calculation shall be added to the fees assessed by this paragraph. The first adjustment shall be calculated and implemented on July 1, 2016."

**PART III  
SECTION 3-1.**

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, is amended by revising Code Section 45-12-22, relating to the Governor's authority to suspend the collection of taxes, as follows:

"45-12-22.

(a) Except as provided in subsection (b) of this Code section, the Governor may suspend the collection of taxes, or any part thereof, due the state until the meeting of the next General Assembly but no longer; but he or she shall not otherwise interfere with the collection of taxes.

(b) Unless there has been a state of emergency declaration by the Governor, the Governor shall not suspend or modify in any manner the collection of any rate of state motor fuel under Code Section 48-9-3 as it applies to sales of motor fuel and aviation gasoline as such terms are defined in Code Section 48-9-2. Any suspension or modification of any rate of state motor fuel taxes under this subsection by the Governor shall be effective only until the next meeting of the General Assembly which must ratify such suspension or modification by a two-thirds' vote of both chambers. In the event the General Assembly fails to ratify the Governor's actions, state motor fuel taxes under this subsection shall be collected at the rate specified absent such suspension or modification and any amounts unpaid due to such suspension or modification shall be collected using such rate."

#### **PART IV SECTION 4-1.**

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (b) of Code Section 48-7-40.16, relating to state income tax credits for low-emission vehicles, 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 new zero emission vehicle that is registered in the State of Georgia. The amount of the credit shall be:

~~(1)(A)~~ For any new low-emission vehicle, 10 percent of the cost of such vehicle or \$2,500.00, whichever is less; and

~~(2)(B)~~ For any new zero emission vehicle, 20 percent of the cost of such vehicle or \$5,000.00, whichever is less.

(2) For any new low-emission vehicle or new zero emission vehicle purchased or leased on or after July 1, 2015, the amount of the credit shall be \$0.00."

#### **SECTION 4-2.**

Said title is further amended by revising paragraphs (23) and (24) of Code Section 48-8-2, relating to definitions regarding state sales and use taxes, as follows:

"(23) 'Prepaid local tax' means any local sales and use tax which is levied on the sale or use of motor fuel and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of this chapter. Such tax is based on the same average retail

sales price as set forth in subparagraph (b)(2)(B) of Code Section 48-9-14 as compiled by the Energy Information Agency of the United States Department of Energy, the Oil Pricing Information Service, or a similar reliable published index less taxes imposed under Code Section 48-9-3 and all local sales and use or excise taxes levied on motor fuel. Such price shall be used to compute the prepaid sales tax rate for local jurisdictions by multiplying such retail price by the applicable rate imposed by the jurisdiction. The person collecting and reporting the prepaid local tax for the local jurisdiction shall provide a schedule as to which jurisdiction these collections relate. This determination shall be based upon the shipping papers of the conveyance that delivered the motor fuel to the dealer or consumer in the local jurisdiction. A seller may rely upon the representation made by the purchaser as to which jurisdiction the shipment is bound and prepare shipping papers in accordance with those instructions.

(24) ~~'Prepaid state tax' means the tax levied under Code Section 48-8-30 in conjunction with Code Section 48-8-3.1 and Code Section 48-9-14 on the retail sale of motor fuels for highway use and collected prior to that retail sale. This tax is based upon the average retail sales price as set forth in Code Section 48-9-14~~ Reserved."

#### SECTION 4-2A.

Said title is further amended by revising paragraph (33.1) of Code Section 48-8-3, relating to exemptions from state sales and use taxes, as follows:

"(33.1)(A) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport, to the extent provided in subparagraphs (B) and (C) of this paragraph.

(B)(i) ~~For the period of time beginning July 1, 2011, and ending June 30, 2012, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from state sales and use tax until the aggregate state sales and use tax liability of the taxpayer during such period with respect to jet fuel exceeds \$20 million, computed as if the exemption provided in this division was not in effect during such period. Thereafter during such period, the exemption provided by this division shall not apply to the sale or use of jet fuel to or by the qualifying airline. For purposes of this division, the terms 'qualifying airline' and 'qualifying airport' shall have the same meanings as those terms were defined under the prior provisions of this paragraph as it existed immediately prior to July 1, 2012.~~

(ii) For the period of time beginning July 1, 2012, and ending on June 30, 2015, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from 1 percent of the 4 percent state sales and use tax.

(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have the same meaning as set forth in subparagraph (E) of this paragraph.

(D) Except as provided for in subparagraph (C) of this paragraph, this exemption shall not apply to any other local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, not to exceed the rate at which such taxes were levied as of January 1, 2014, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Part 2 of Article 3 or Article 2, 2A, or 4 of this chapter.

(E) For purposes ~~of division (ii)~~ of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airline' shall mean any person which is authorized by the Federal Aviation Administration or 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.

(F) For purposes ~~of division (ii)~~ of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, the term 'qualifying airport' means a certificated air carrier airport in Georgia.

(G) No sales and use taxes realized pursuant to the provisions of this paragraph shall be used for a purpose that would result in the loss of any federal funding.

~~(G)~~(H) The commissioner shall adopt rules and regulations to carry out the provisions of this paragraph;"

#### SECTION 4-3.

Said title is further amended by revising subsections (a) and (b) of Code Section 48-8-3.1, relating to sales tax exemptions as applied to motor fuels, as follows:

"(a) Except as provided in subsection (b) of this Code section, sales of motor fuels as defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the ~~first 3 percent of the~~ state sales and use taxes levied or imposed by this article ~~and shall be subject to the remaining 1 percent of the sales and use taxes levied or imposed by this article.~~

(b) Sales of motor fuel, other than gasoline, ~~which motor fuel other than gasoline is~~ purchased for purposes other than propelling motor vehicles on public highways as defined in Article 1 of Chapter 9 of this title shall be fully subject to the ~~4 percent~~ state sales and use taxes levied or imposed by this article unless otherwise specifically exempted by this article."

#### SECTION 4-4.

Said title is further amended by revising the introductory language of subsection (a) of Code Section 48-8-6, relating to the ceiling on local sales and use 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~~ 2.5 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~~ 2.5 percent limitation:"

#### SECTION 4-5.

Said title is further amended by revising subsection (k) of Code Section 48-8-30, relating to the imposition, rate, and collection of state sales tax, as follows:

"(k) The prepaid local tax shall be imposed at the time tax is imposed ~~under subparagraph (b)(2)(B) of Code Section 48-9-14~~ under Code Section 48-9-3."

#### SECTION 4-6.

Said title is further amended by revising paragraph (2) of subsection (b) of Code Section 48-8-49, relating to dealers' returns as gross proceeds of sales and purchases, as follows:

"(2) If the tax liability of a dealer in the preceding calendar year was greater than \$60,000.00 excluding local sales taxes, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. ~~This subsection shall not apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14.~~"

#### SECTION 4-7.

Said title is further amended by revising paragraphs (2), (3), and (4) of subsection (b) of Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax, as follows:

"(2) With respect to each certificate of registration number on such return, a deduction of one-half of 1 percent of that portion exceeding \$3,000.00 of the combined total amount of all sales and use taxes reported due on such return for each location other than the taxes specified in paragraph (3) of this subsection; and

(3) With respect to each certificate of registration number on such return, a deduction of 3 percent of the combined total amount due of all sales and use taxes on motor fuel as defined under paragraph (9) of Code Section 48-9-2, which are imposed under any provision of this title, including, but not limited to, sales and use taxes on motor fuel imposed under any of the provisions described in subsection (f) of this Code section, ~~but not including Code Section 48-9-14; and~~

~~(4) A deduction with respect to Code Section 48-9-14, as defined in Code Section 48-8-2, shall be at the rate of one half of 1 percent of the total amount due of the prepaid state tax reported due on such return, so long as the return and payment are timely, regardless of the classification of tax return upon which the remittance is made."~~

**SECTION 4-8.**

Said title is further amended by revising Code Section 48-8-82, relating to authorization of counties and municipalities to impose a joint sales and use tax, as follows:

"48-8-82.

(a) When the imposition of a joint county and municipal sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district and each qualified municipality located wholly or partially within the special district shall levy a joint sales and use tax at the rate of 1 percent. Except as to rate, the joint tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article, except that the joint tax provided in this article shall be applicable to ~~sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to~~ the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(b) The joint sales and use tax provided for in this article in a special district shall be applicable to sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2 through June 30, 2016. On or after July 1, 2016, such joint sales and use tax shall not be applicable to sales of motor fuels as defined in Code Section 48-9-2.

(c) On or after July 1, 2016, such joint sales and use tax shall be levied at the rate of 1.25 percent."

**SECTION 4-9.**

Said title is further amended by adding a new subsection to Code Section 48-8-96, relating to taxation of property in consolidated governments, to read as follows:

"(j) Any consolidated government which, pursuant to the provisions of this Code section, is levying a tax under this article at the rate of 2 percent shall levy such tax at 2.5 percent on or after July 1, 2016."

**SECTION 4-10.**

Said title is further amended by revising subsection (b) of Code Section 48-8-102, relating to the creation of special districts and use of proceeds of the homestead option sales and use tax, as follows:

"(b)(1) When the imposition of a local sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district shall levy a local sales and use tax at the rate of 1 percent. Except as to rate, the local sales and use tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the sales and use tax levied pursuant to this article, except that the sales and use tax provided in this article shall be applicable to ~~sales of motor~~

~~fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.~~

(2) The sales and use tax provided for in this article in a special district shall be applicable to sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2 through June 30, 2016. On or after July 1, 2016, such sales and use tax shall not be applicable to sales of motor fuels as defined in Code Section 48-9-2.

(3) On or after July 1, 2016, such sales and use tax shall be levied at the rate of 1.25 percent."

#### **SECTION 4-11.**

Said title is further amended by adding a new paragraph to Code Section 48-8-110, relating to definitions regarding the county special purpose local option sales tax, to read as follows:

"(5)(A) 'Transportation purposes' means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including general obligation debt and other multiyear obligations issued to finance such purposes.

(B) 'Education transportation purposes' means, for purposes of proceeds of a tax levied pursuant to Part 2 of this article, which proceeds are attributable to the sale of motor fuel as prepaid local tax as such term is defined in Code Section 48-8-2, pursuant to the authority granted to the General Assembly by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, transportation necessary to move students to and from educational facilities in this state and all accompanying infrastructure and support necessary to provide safe and efficient access to and egress from these educational facilities."

#### **SECTION 4-12.**

Said title is further amended by revising subsection (c) of and by adding a new subsection to Code Section 48-8-110.1, relating to the authorization for a county special purpose local option sales tax, to read as follows:

"(c) Any tax imposed under this part shall be at the rate of 1 percent. Except as to rate, a tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax imposed under this part shall apply to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3.

(d) On or after July 1, 2015, following the expiration in a special district of the authorization for the levy of the tax authorized in this part, any renewal or continuation of a levy of the tax authorized in this part shall include a provision authorizing the

expenditure for transportation purposes of at least the amount collected, as determined by an average of the previous three calendar years, on the sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2 in the special district. Such provision shall be included in the referendum required by this part and list the specific transportation purposes to be authorized as required under this part."

#### **SECTION 4-13.**

Said title is further amended by revising subparagraph (a)(1)(A) of Code Section 48-8-111, relating to the procedure for the implementation of the county special purpose local option sales tax, as follows:

"(A) A ~~capital outlay~~ project consisting of ~~road, street, and bridge purposes, which purposes may include sidewalks and bicycle paths~~ transportation purposes;"

#### **SECTION 4-14.**

Said title is further amended by revising Code Section 48-8-143, relating to distribution of the sales tax for educational purposes, as follows:

"48-8-143.

(a) The net proceeds of the sales tax for educational purposes shall be distributed in the manner provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution unless another distribution formula is provided for by the enactment of a local Act. Any such local Act providing for an alternate distribution formula shall not be amended during the time period for which the tax was imposed.

(b)(1) It is the intention of the General Assembly, pursuant to the authority granted by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, to further define and implement by general law that education transportation purposes shall constitute a proper expenditure of proceeds from the levy of a sales tax for educational purposes.

(2) As used in this subsection, the term 'education transportation purposes' means, for purposes of a tax levied pursuant to this part which proceeds are attributable to the sale of motor fuel as prepaid local tax as such term is defined in Code Section 48-8-2, pursuant to the authority granted to the General Assembly by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, transportation necessary to move students to and from educational facilities in this state and all accompanying infrastructure and support necessary to provide safe and efficient access to and egress from these educational facilities."

#### **SECTION 4-15.**

Said title is further amended by revising subsection (c) of and adding a new subsection to Code Section 48-8-201, relating to the intergovernmental agreement for the distribution of tax proceeds from the water and sewer projects sales tax, as follows:

"(c) In the event a tax imposed under this article is imposed only by the municipality:

(1) No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall apply to:

(A) Sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 until the expiration of the current authorization for the tax in such municipality. On or after the date immediately following such expiration, such tax shall not be applicable to sales of motor fuels as defined in Code Section 48-9-2;

(B) The sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3;

(C) The sale of natural or artificial gas used directly in the production of electricity which is subsequently sold, notwithstanding paragraph (70) of Code Section 48-8-3; and

(D) The furnishing for value to the public of any room or rooms, lodgings, or accommodations which is subject to taxation under Article 3 of Chapter 13 of this title; and

(2) A tax imposed under this article shall not apply to the sale of motor vehicles."

"(e) After the expiration of the current authorization for any tax imposed under this article, any reauthorization for the levy of a tax imposed under this article shall be at the rate of 1.25 percent."

#### SECTION 4-16.

Said title is further amended by revising Code Section 48-9-3, relating to an excise tax on motor fuel, as follows:

"48-9-3.

(a)(1) An excise tax is imposed at the rate of ~~7-1/2¢~~ 29.2¢ per gallon on distributors who sell or use motor fuel, other than diesel fuel, within this state. An excise tax is imposed at the rate of 33¢ per gallon on distributors who sell or use diesel fuel within this state. It is the intention of the General Assembly that the legal incidence of the tax be imposed upon the distributor.

(1.1)(A) Beginning on July 1, 2016, and annually thereafter, the amount of this excise tax per gallon on distributors shall be automatically adjusted on an annual basis in accordance with this paragraph.

(B) Using 2014 as a base year, the department shall determine the average miles per gallon of all new vehicles registered in this state pursuant to Code Section 48-5C-1 using the average of combined miles per gallon published in the United States Department of Energy Fuel Economy Guide. Beginning on July 1, 2016, and each year thereafter, the department shall calculate the average miles per gallon of all new vehicles registered in this state in the previous year. The excise tax rate shall be multiplied by the percentage increase or decrease in fuel efficiency from the previous year, and the resulting increase or decrease shall be added to the excise tax rate to determine the preliminary excise tax rate.

(C) Once the preliminary excise tax rate is established, it shall be multiplied by the annual percentage of increase or decrease in highway construction costs as

measured by the National Highway Construction Cost Index published by the Office of Highway Policy Information of the Federal Highway Administration. The resulting calculation shall be added to the preliminary excise tax rate, and the result of such calculation shall be the new excise tax rate for motor fuels for the next calendar year.

(2) In the event any motor fuels which are not commonly sold or measured by the gallon are used in any motor vehicles on the public highways of this state, the commissioner may assess, levy, and collect a tax upon such fuels, under such regulations as the commissioner may promulgate, in accordance with and measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. Any determination by the commissioner of the power potential equivalent of such motor fuels shall be prima-facie correct. Upon each such quantity of such fuels used upon the public highways of this state, a tax at the same rate per gallon imposed on motor fuel under paragraph (1) of this subsection shall be assessed and collected.

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

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

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

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

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

(b) No tax is imposed by this article upon or with respect to the following sales by duly licensed distributors:

(1) Bulk sales to a duly licensed distributor;

(2) Sales of motor fuel for export from this state when exempted by any provisions of the Constitutions of the United States or this state;

(3) Sales of motor fuel to a licensed distributor for export from this state;

(4) Sales of motor fuel to the United States for the exclusive use of the United States when the motor fuel is purchased and paid for by the United States;

(5) Sales of aviation gasoline to a duly licensed aviation gasoline dealer, except for 1¢ per gallon of the tax imposed by paragraph (1) of subsection (a) of this Code section ~~and all of the tax imposed by Code Section 48-9-14;~~

(6) Bulk sales of compressed petroleum gas or special fuel to a duly licensed consumer distributor;

(7)(A) Sales of compressed petroleum gas or special fuel to a consumer who has no highway use of the fuel at the time of the sale and does not resell the fuel. Consumers of compressed petroleum gas or special fuel who have both highway and nonhighway use of the fuel and resellers of such fuel must be licensed as distributors in order for sales of the fuel to be tax exempt. Each type of motor fuel is to be considered separately under this exemption.

(B)(i) In instances where a sale of compressed petroleum gas has been made to an ultimate consumer who has both highway and nonhighway use of that type of motor fuel and no tax has been paid by the distributor on the sale, the consumer shall become licensed as a consumer distributor of that type of motor fuel. After the consumer is licensed as a consumer distributor and if it is demonstrated to the satisfaction of the commissioner that the motor fuel purchased prior to the licensee's becoming licensed as a consumer distributor was used for nonhighway purposes, such sales shall be exempt from the tax imposed by this article; provided, however, that, if at the time of demonstration the ultimate consumer does not have both highway and nonhighway use of such fuel but it can be demonstrated by the distributor to the satisfaction of the commissioner that the motor fuel was used for nonhighway purposes, the sales shall be exempt from the tax imposed by this article; and

(ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, is not exempt from the motor fuel and road taxes imposed by this article unless: (1) the purchaser is at the time of sale a valid licensed distributor of that type of motor fuel, or (2) an exemption certificate has been obtained from the purchaser on forms furnished by the Department of Revenue showing that the purchaser has no highway use of such fuels and is not a reseller of such fuels. Each exemption certificate shall be valid for a period of not more than three years and shall be kept by the distributor as one of the records specified in Code Section 48-9-8. It shall be the responsibility of the purchaser to notify the distributor when the purchaser is no longer qualified for the nonhighway exemption. All applicable taxes must be charged the purchaser until the purchaser is granted a valid distributor's license for that type of motor fuel.

(II) Any such purchaser granted an exemption under subdivision (I) of this division who falsely claims the exemption or fails to rescind the purchaser's exemption certificate to the distributor in writing when he or she is no longer eligible for the exemption shall be deemed a distributor for purposes of taxation and is subject to all provisions of this article relating to distributors. This division in no way shall restrict

the option of the purchaser to become licensed as a distributor. If the distributor sells special fuel to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, and the purchaser is not a valid licensed distributor and has not executed a valid signed exemption certificate, the taxes imposed by this article are due from the distributor and not the purchaser on all sales of that type of fuel to that purchaser; (8) Sales of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only. The delivery of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only shall be made directly into the storage receptacle of the heating unit of the consumer by the licensed distributor. To qualify for this exemption, sales must be delivered into storage receptacles that are not equipped with any secondary withdrawal outlets for the motor fuel;

(9) Sales of dyed fuel oils to a consumer for other than highway use as defined in paragraph (8) of Code Section 48-9-2;

(10)(A) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit vehicles which are owned by public transportation systems which receive or are eligible to receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger fares are routinely charged and which vehicles are used exclusively for revenue generating purposes which motor fuel sales occur at bulk purchase facilities approved by the department.

(B) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public campus transportation system, provided that such system has a policy which provides for free transfer of passengers from the public transportation system operated by the jurisdiction in which the campus is located; makes the general public aware of such free transfer policy; and receives no state or federal funding to assist in the operation of such public campus transportation system and which motor fuel sales occur at bulk purchase facilities approved by the department.

(C) For purposes of this paragraph, the term 'vehicle' or 'vehicles' means buses, vans, minibuses, or other vehicles which have the capacity to transport seven or more passengers; or

(11) For the period of time beginning July 1, 2013, and ending June 30, 2015, sales of motor fuel to public school systems in this state for the exclusive use of the school system in operating school buses when the motor fuel is purchased and paid for by the school system.

(c) Fuel oils, compressed petroleum gas, or special fuel used by a duly licensed distributor for nonhighway purposes is exempt from the tax imposed by this article.

(d) No export from this state shall be recognized as being exempt from tax under paragraphs (2) and (3) of subsection (b) of this Code section unless the exporter informs the seller and the terminal operator of the intention to export and causes to be set out the minimum information specified in subsection (e) of Code Section 48-9-17 on the

bill of lading or equivalent documentation under which the motor fuel is transported. In the event that the motor fuel is delivered to any point other than that which is set out on the bill of lading or equivalent documentation, the legal incidence of the tax shall continue to be imposed exclusively upon the exporter who caused the export documentation to be issued and no exemption shall be recognized until suitable proof of exportation has been provided to the commissioner."

#### **SECTION 4-17.**

Said title is further amended by repealing in its entirety Code Section 48-9-14, relating to the second motor fuel tax, and designating said Code section as reserved.

#### **PART V SECTION 5-1.**

Said title is further amended by revising paragraphs (3.1), (4.1), and (5.1) of subsection (a) and subparagraph (b)(7)(A) of Code Section 48-13-51, relating to the excise tax on rooms, lodgings, and accommodations, as follows:

"(3.1) Notwithstanding any other provision of this subsection, a county ~~(within the territorial limits of the special district located within the county)~~ and the municipalities within a county in which a trade and convention center authority has been created by intergovernmental contract between a county and one or more municipalities located therein, and which trade and convention center authority is in existence on or before March 21, 1988, and which trade and convention center authority has not constructed or operated any facility before March 21, 1988, may levy a tax under this Code section at a rate of 6 percent. A county or municipality levying a tax pursuant to this paragraph shall expend ~~(in each fiscal year during which the tax is collected under this paragraph)~~ an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 6 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, and facilities, including, but not limited to, a trade and convention center, exhibit hall, conference center, performing arts center, accommodations facilities, including food service, or any combination thereof, for convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts purposes and other events and activities for similar and related purposes, acquiring the necessary property therefor, both real and personal, and funding all expenses incident thereto, and supporting, maintaining, and promoting such facilities owned, operated, or leased by or to the local trade and convention center authority; or (C) for some combination of such purposes; provided, however, that at least 50 percent of the total taxes collected at the rate of 6 percent shall be expended for the purposes specified in subparagraph (B) of this paragraph. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a

local building authority created by local constitutional amendment, and a trade and convention center authority created by intergovernmental contract between a county and one or more municipalities located therein, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities. The aggregate amount of all excise taxes imposed under this paragraph and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed ~~13~~ 13.5 percent. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2029, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph, secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state, and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interests and rights of the holder of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a building authority created by local constitutional amendment, shall constitute a contract with the holder of such obligation. Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph, the term: 'fund' or 'funding' shall include the cost and expense of all things deemed necessary by a building authority created by local constitutional amendment for the construction and operation of a facility or facilities, including, but not limited to, the study, operation, marketing, acquisition, construction, financing, including the payment of principal and interest on any obligation of the building authority created by local constitutional amendment and any obligation of the building authority created by local constitutional amendment to refund any prior obligation of the building authority created by local constitutional amendment, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by an authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys and having an initial term of not more than 37 years; and 'facility' or 'facilities' ~~shall mean~~ means any of the buildings, structures, and facilities described in subparagraph (B) of this paragraph and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of such facility used for any purpose or purposes specified in subparagraph (B) of this paragraph by a building authority created by local constitutional amendment."

"(4.1) Notwithstanding any other provision of this subsection, a county (within the territorial limits of the special district located within the county) or municipality within a county in which a coliseum authority has been created by local Act of the General Assembly and which authority is in existence on or before July 1, 1963, for the purpose of owning or operating a facility, may levy a tax under this Code section at a rate of 7 percent. A county or municipality levying a tax pursuant to this

paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 7 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding and supporting a facility owned or operated by such coliseum authority; or (C) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local coliseum authority, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purpose (B) may be so expended in any otherwise lawful manner without the necessity of a contract. The aggregate amount of all excise taxes imposed under this paragraph and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed ~~42~~ 12.5 percent. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2028, provided that during any period during which there remains outstanding any obligation which is incurred prior to January 1, 1995, issued to fund a facility as contemplated by this paragraph, and secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state, and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interest and rights of the holders of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a coliseum and exhibit hall authority, shall constitute a contract with the holder of such obligations. Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph, the term: 'fund' ~~and or~~ or 'funding' shall include the cost and expense of all things deemed necessary by a local coliseum authority for the construction, renovation, and operation of a facility, including, but not limited to, the study, operation, marketing, acquisition, construction, finance, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by a local coliseum authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys incurred prior to January 1, 1995, and having an initial term of not more than 30 years; and 'facility' ~~shall mean~~ means a coliseum or other facility and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of a facility used for convention and trade show purposes or amusement purposes, educational purposes, or a combination thereof and for fairs, expositions, or exhibitions in connection therewith by a local coliseum authority."

"(5.1) Notwithstanding any other provision of this subsection, a county (within the territorial limits of the special district located within the county) and the municipalities within a county in which a coliseum and exhibit hall authority has been

created by local Act of the General Assembly for a county and one or more municipalities therein, and which local coliseum and exhibit hall authority is in existence on or before January 1, 1991, and which local coliseum and exhibit hall authority has not constructed or operated any facility before January 1, 1991, may levy a tax under this Code section at a rate of 8 percent. A county or municipality levying a tax pursuant to this paragraph shall expend ~~(in each fiscal year during which the tax is collected under this paragraph)~~ an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 8 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, and facilities, including, but not limited to, a coliseum, exhibit hall, conference center, performing arts center, or any combination thereof, for convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts purposes and other events and activities for similar and related purposes, acquiring the necessary property therefor, both real and personal, and funding all expenses incident thereto, and supporting, maintaining, and promoting such facilities owned, operated, or leased by or to the local coliseum and exhibit hall authority or a downtown development authority; or (C) for some combination of such purposes; provided, however, that at least 50 percent of the total taxes collected at the rate of 8 percent shall be expended for the purposes specified in subparagraph (B) of this paragraph. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local coliseum and exhibit hall authority, a downtown development authority, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities, notwithstanding any provision of paragraph (8) of this subsection to the contrary. The aggregate amount of all excise taxes imposed under this paragraph and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed ~~13~~ 13.5 percent; provided, however, that any sales tax for educational purposes which is imposed pursuant to Article VIII, Section VI, Paragraph IV of the Constitution shall not be included in calculating such limitation. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2028, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph, secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state, and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interests and rights of the holder of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a local coliseum and exhibit hall authority or a downtown development authority, shall constitute a contract with the holder of such obligation. Notwithstanding any other provision of this Code section

to the contrary, as used in this paragraph, the term: 'fund' or 'funding' shall include the cost and expense of all things deemed necessary by a local coliseum and exhibit hall authority or a downtown development authority for the construction and operation of a facility or facilities, including, but not limited to, the study, operation, marketing, acquisition, construction, financing, including the payment of principal and interest on any obligation of the local coliseum and exhibit hall authority or the downtown development authority and any obligation of the local coliseum and exhibit hall authority or the downtown development authority to refund any prior obligation of the local coliseum and exhibit hall authority or the downtown development authority, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by an authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys and having an initial term of not more than 37 years; 'facility' or 'facilities' ~~shall mean~~ means any of the buildings, structures, and facilities described in subparagraph (B) of this paragraph and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of such facility used for any purpose or purposes specified in subparagraph (B) of this paragraph by a local coliseum and exhibit hall authority or a downtown development authority; and 'downtown development authority' ~~shall mean~~ means a downtown development authority created by local Act of the General Assembly for a municipality pursuant to a local constitutional amendment."

"(7)(A) Any municipality which is levying an excise tax under paragraph (5) of subsection (a) of this Code section, so long as any obligation as described in division (a)(5)(A)(ii) or subparagraph (a)(5)(B) of this Code section remains outstanding, shall leave such excise tax in effect at the rate of 7 percent and may levy up to an additional 1 percent excise tax under this paragraph so long as the combined rate does not exceed ~~8~~ 8.5 percent."

## PART VI SECTION 6-1.

Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," is amended by revising subsection (b) of Code Section 32-10-127, relating to loans and other financial assistance and the determination of eligible projects, as follows:

"(b)(1) The board shall determine which projects are eligible projects and then select from among the eligible projects qualified projects. When determining eligibility, the board shall make every effort to balance any loans or other financial assistance among all regions of this state.

(2) Preference for loans may be given to eligible projects ~~which have local financial support~~ in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department of Community Affairs.

(3) Preference for grants and other financial assistance may be given to eligible projects which have local financial support."

**PART VII**  
**SECTION 7-1.**

- (a) This Act shall become effective on July 1, 2015.
- (b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall not be affected by the passage of this Act and shall continue to be governed by the provisions of Title 48 of the Official Code of Georgia Annotated as it existed immediately prior to the effective date of this Act.

**SECTION 7-2.**

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

The following substitute, offered by the Committee on Rules, was read:

A BILL TO BE ENTITLED  
AN ACT

To amend various provisions of the Official Code of Georgia Annotated so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to define education transportation purposes; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to levy a registration fee on alternative fueled vehicles; to amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to reduce the state income tax credits for low-emission vehicles to zero; to provide for the elimination of sales and use taxes with respect to certain sales of motor fuels; to revise the exemption from sales and use taxes for jet fuel; to provide for revised definitions of certain terms relating to prepaid motor fuel taxes; to provide for an increase in the local cap on taxation; to change the rate and method of computation of the excise tax on motor fuels; to repeal the second motor fuel tax; to provide for editorial revision; to prohibit the levy of certain local sales and use taxes on motor fuel; to provide for the use of proceeds from the special purpose local option sales tax for transportation purposes; to define transportation purposes; to provide for the use of proceeds from the education special purpose local option sales tax for education transportation purposes; to define education transportation purposes; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," so as to provide revised criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide

for a short title; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

This Act shall be known and may be cited as the "Transportation Funding Act of 2015."

**SECTION 1-2.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-411, relating to the use of school funds, as follows:

"20-2-411.

(a) When the public school fund shall be received and receipted for, it shall be the duty of the officers authorized by law to receive such fund and keep it separate and distinct from other funds. The school funds shall be used for educational purposes and may be used to pay the salaries of personnel and to pay for the utilization of school facilities, including school buses, for extracurricular and interscholastic activities, including literary events, music and athletic programs within individual schools and between schools in the same or in different school systems when such activities are sponsored by local boards of education as an integral part of the total school program, and for no other purpose. When taxes are paid into the state treasury, the comptroller general shall in no case receipt a tax collector for them until that part of the tax so paid in which was raised for school purposes is separated in amount from the gross amount paid in. It shall be lawful to invest school funds in securities of the states, United States, or municipalities of this state or in certificates of deposit.

(b)(1) In addition to the proper uses of school funds contained in subsection (a) of this Code section, it is the intention of the General Assembly, pursuant to the authority granted by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, to further define and implement by general law that education transportation purposes shall constitute a proper expenditure of school funds derived from proceeds from the levy of a sales tax for educational purposes.

(2) As used in this subsection, the term 'education transportation purposes' means, for purposes of proceeds of a tax levied pursuant to Part 2 of Article 3 of Chapter 8 of Title 48, which proceeds are attributable to the sale of motor fuel as prepaid local tax as such term is defined in Code Section 48-8-2, pursuant to the authority granted to the General Assembly by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, transportation necessary to move students to and from educational facilities in this state and all accompanying infrastructure and support necessary to provide safe and efficient access to and egress from these educational facilities."

**PART II**  
**SECTION 2-1.**

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (7) of subsection (1) of Code Section 40-2-86.1, relating to certain special license plates, as follows:

"(7)(A) A special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of ~~the~~ this state except that the commissioner shall place a distinctive logo or emblem on the license plate which shall distinguish the vehicle as an alternative fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section 32-9-4. The words 'alternative fueled vehicle' shall be imprinted on such special license plate in lieu of the county name decal. The funds raised by the sale of this license plate shall be deposited in the general fund.

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

(i) 'Alternative fuel' means ~~methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more or such other percentage, but not less than 70 percent, as determined by the United States secretary of energy, by rule as it existed on January 1, 1997, to provide for requirements relating to cold start, safety, or vehicle functions, 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; electricity including electricity from solar energy; and any other fuel the United States secretary of energy determined by rule as it existed on January 1, 1997, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits~~ electricity, natural gas, and propane.

(ii) 'Alternative fueled vehicle' means: ~~(I) Any any vehicle fueled solely by alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel;~~  
~~or~~

~~(II) A hybrid vehicle, which means a motor vehicle which draws propulsion energy from onboard sources of stored energy which include an internal combustion or heat engine using combustible fuel and a rechargeable energy storage system; and, in the case of a passenger automobile or light truck, means for any 2000 and later model, a vehicle which has received a certificate of conformity under the Clean Air Act, 42 U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying California low emission vehicle standard under Section 243(e)(2) of the Clean Air Act, 42 U.S.C. Section 7583(e)(2), for that make and model year or, for any 2004 and later model, a vehicle which has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under Section 202(i) of the Clean Air Act, 42~~

~~U.S.C. Section 7521(i), for that make and model year vehicle and which achieves a composite label fuel economy greater than or equal to 1.5 times the Model Year 2002 EPA composite class average for the same vehicle class and which is made by a manufacturer.~~

(C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the applicant for a special license plate for any alternative fueled vehicle shall provide proof that he or she has paid the registration fee prescribed therein prior to the issuance of any special license plate under this paragraph."

**SECTION 2-2.**

Said title is further amended by adding a new paragraph to subsection (a) of Code Section 40-2-151, relating to the annual license fees for the operation of vehicles, to read as follows:

"(19)(A)(i) Upon registration of an alternative fueled vehicle not operated for commercial purposes ..... 200.00

(ii) Upon registration of an alternative fueled vehicle operated for commercial purposes ..... 300.00

(B)(i) As used in this paragraph, the term 'alternative fueled vehicle' shall have the same meaning as in division (1)(7)(B)(ii) of Code Section 40-2-86.1; provided, however, that the fees in this paragraph shall not be assessed on vehicles which operate primarily on compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

(ii) The fees in this paragraph shall be in addition to any other fee imposed on the vehicle by this Code section.

(iii) The fees in this paragraph shall be automatically adjusted on an annual basis by multiplying the percentage of increase or decrease in a given year in highway construction costs as measured by the National Highway Construction Cost Index published by the Office of Highway Policy Information of the Federal Highway Administration by the current fee. The resulting calculation shall be added to the fees assessed by this paragraph. The first adjustment shall be calculated and implemented on July 1, 2016."

**PART III  
SECTION 3-1.**

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, is amended by revising Code Section 45-12-22, relating to the Governor's authority to suspend the collection of taxes, as follows:

"45-12-22.

(a) Except as provided in subsection (b) of this Code section, the Governor may suspend the collection of taxes, or any part thereof, due the state until the meeting of the

next General Assembly but no longer; but he or she shall not otherwise interfere with the collection of taxes.

(b) Unless there has been a state of emergency declaration by the Governor, the Governor shall not suspend or modify in any manner the collection of any rate of state motor fuel under Code Section 48-9-3 as it applies to sales of motor fuel and aviation gasoline as such terms are defined in Code Section 48-9-2. Any suspension or modification of any rate of state motor fuel taxes under this subsection by the Governor shall be effective only until the next meeting of the General Assembly which must ratify such suspension or modification by a two-thirds' vote of both chambers. In the event the General Assembly fails to ratify the Governor's actions, state motor fuel taxes under this subsection shall be collected at the rate specified absent such suspension or modification and any amounts unpaid due to such suspension or modification shall be collected using such rate."

#### **PART IV SECTION 4-1.**

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (b) of Code Section 48-7-40.16, relating to state income tax credits for low-emission vehicles, 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 new zero emission vehicle that is registered in the State of Georgia. The amount of the credit shall be:

~~(1)(A)~~ For any new low-emission vehicle, 10 percent of the cost of such vehicle or \$2,500.00, whichever is less; and

~~(2)(B)~~ For any new zero emission vehicle, 20 percent of the cost of such vehicle or \$5,000.00, whichever is less.

(2) For any new low-emission vehicle or new zero emission vehicle purchased or leased on or after July 1, 2015, the amount of the credit shall be \$0.00."

#### **SECTION 4-2.**

Said title is further amended by revising paragraphs (23) and (24) of Code Section 48-8-2, relating to definitions regarding state sales and use taxes, as follows:

"(23) 'Prepaid local tax' means any local sales and use tax which is levied on the sale or use of motor fuel and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of this chapter. Such tax is based on the same average retail sales price ~~as set forth in subparagraph (b)(2)(B) of Code Section 48-9-14 as compiled by the Energy Information Agency of the United States Department of Energy, the Oil Pricing Information Service, or a similar reliable published index less taxes imposed~~

under Code Section 48-9-3 and all local sales and use or excise taxes levied on motor fuel. Such price shall be used to compute the prepaid sales tax rate for local jurisdictions by multiplying such retail price by the applicable rate imposed by the jurisdiction. The person collecting and reporting the prepaid local tax for the local jurisdiction shall provide a schedule as to which jurisdiction these collections relate. This determination shall be based upon the shipping papers of the conveyance that delivered the motor fuel to the dealer or consumer in the local jurisdiction. A seller may rely upon the representation made by the purchaser as to which jurisdiction the shipment is bound and prepare shipping papers in accordance with those instructions.

(24) ~~'Prepaid state tax' means the tax levied under Code Section 48-8-30 in conjunction with Code Section 48-8-3.1 and Code Section 48-9-14 on the retail sale of motor fuels for highway use and collected prior to that retail sale. This tax is based upon the average retail sales price as set forth in Code Section 48-9-14~~ Reserved."

#### SECTION 4-2A.

Said title is further amended by revising paragraph (33.1) of Code Section 48-8-3, relating to exemptions from state sales and use taxes, as follows:

"(33.1)(A) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport, to the extent provided in subparagraphs (B) and (C) of this paragraph.

~~(B)(i) For the period of time beginning July 1, 2011, and ending June 30, 2012, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from state sales and use tax until the aggregate state sales and use tax liability of the taxpayer during such period with respect to jet fuel exceeds \$20 million, computed as if the exemption provided in this division was not in effect during such period. Thereafter during such period, the exemption provided by this division shall not apply to the sale or use of jet fuel to or by the qualifying airline. For purposes of this division, the terms 'qualifying airline' and 'qualifying airport' shall have the same meanings as those terms were defined under the prior provisions of this paragraph as it existed immediately prior to July 1, 2012.~~

~~(ii) For the period of time beginning July 1, 2012, and ending on June 30, 2015, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from 1 percent of the 4 percent state sales and use tax.~~

(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have the same meaning as set forth in subparagraph (E) of this paragraph.

(D) Except as provided for in subparagraph (C) of this paragraph, this exemption shall not apply to any other local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, not to exceed the rate at which such taxes were levied as of January 1, 2014, including, but not

limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Part 2 of Article 3 or Article 2, 2A, or 4 of this chapter.

(E) For purposes of ~~division (ii)~~ of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airline' shall mean any person which is authorized by the Federal Aviation Administration or 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.

(F) For purposes of ~~division (ii)~~ of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, the term 'qualifying airport' means a certificated air carrier airport in Georgia.

(G) On or after July 1, 2017, revenue derived from the levy of sales and use taxes on jet fuel shall be used for a state aviation program or airport related purposes to the extent required to comply with 49 U.S.C. Sections 47107(b) and 47113. Any portion of such revenue so derived which is in excess of the amount required for purposes of such compliance with federal law may be appropriated by the General Assembly for other purposes.

~~(G)~~(H) The commissioner shall adopt rules and regulations to carry out the provisions of this paragraph;"

#### SECTION 4-3.

Said title is further amended by revising subsections (a) and (b) of Code Section 48-8-3.1, relating to sales tax exemptions as applied to motor fuels, as follows:

"(a) Except as provided in subsection (b) of this Code section, sales of motor fuels as defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the ~~first 3 percent of the~~ state sales and use taxes levied or imposed by this article ~~and shall be subject to the remaining 1 percent of the sales and use taxes levied or imposed by this article.~~

(b) Sales of motor fuel, other than gasoline, ~~which motor fuel other than gasoline is~~ purchased for purposes other than propelling motor vehicles on public highways as defined in Article 1 of Chapter 9 of this title shall be fully subject to the ~~4 percent~~ state sales and use taxes levied or imposed by this article unless otherwise specifically exempted by this article."

#### SECTION 4-4.

Said title is further amended by revising the introductory language of subsection (a) of Code Section 48-8-6, relating to the ceiling on local sales and use 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~~ 2.5 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~~ 2.5 percent limitation:"

#### SECTION 4-5.

Said title is further amended by revising subsection (k) of Code Section 48-8-30, relating to the imposition, rate, and collection of state sales tax, as follows:

"(k) The prepaid local tax shall be imposed at the time tax is imposed ~~under subparagraph (b)(2)(B) of Code Section 48-9-14~~ under Code Section 48-9-3."

#### SECTION 4-6.

Said title is further amended by revising paragraph (2) of subsection (b) of Code Section 48-8-49, relating to dealers' returns as gross proceeds of sales and purchases, as follows:

"(2) If the tax liability of a dealer in the preceding calendar year was greater than \$60,000.00 excluding local sales taxes, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. ~~This subsection shall not apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14.~~"

#### SECTION 4-7.

Said title is further amended by revising paragraphs (2), (3), and (4) of subsection (b) of Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax, as follows:

"(2) With respect to each certificate of registration number on such return, a deduction of one-half of 1 percent of that portion exceeding \$3,000.00 of the combined total amount of all sales and use taxes reported due on such return for each location other than the taxes specified in paragraph (3) of this subsection; and

(3) With respect to each certificate of registration number on such return, a deduction of 3 percent of the combined total amount due of all sales and use taxes on motor fuel as defined under paragraph (9) of Code Section 48-9-2, which are imposed under any provision of this title, including, but not limited to, sales and use taxes on motor fuel imposed under any of the provisions described in subsection (f) of this Code section, ~~but not including Code Section 48-9-14; and~~

~~(4) A deduction with respect to Code Section 48-9-14, as defined in Code Section 48-8-2, shall be at the rate of one half of 1 percent of the total amount due of the prepaid state tax reported due on such return, so long as the return and payment are timely, regardless of the classification of tax return upon which the remittance is made.~~"

**SECTION 4-8.**

Said title is further amended by revising Code Section 48-8-82, relating to authorization of counties and municipalities to impose a joint sales and use tax, as follows:

"48-8-82.

(a) When the imposition of a joint county and municipal sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district and each qualified municipality located wholly or partially within the special district shall levy a joint sales and use tax at the rate of 1 percent. Except as to rate, the joint tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article, except that the joint tax provided in this article shall be applicable to ~~sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to~~ the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(b) The joint sales and use tax provided for in this article in a special district shall be applicable to sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2 through June 30, 2016. On or after July 1, 2016, such joint sales and use tax shall not be applicable to sales of motor fuels as defined in Code Section 48-9-2.

(c) On or after July 1, 2016, such joint sales and use tax shall be levied at the rate of 1.25 percent."

**SECTION 4-9.**

Said title is further amended by adding a new subsection to Code Section 48-8-96, relating to taxation of property in consolidated governments, to read as follows:

"(j) Any consolidated government which, pursuant to the provisions of this Code section, is levying a tax under this article at the rate of 2 percent shall levy such tax at 2.5 percent on or after July 1, 2016."

**SECTION 4-10.**

Said title is further amended by revising subsection (b) of Code Section 48-8-102, relating to the creation of special districts and use of proceeds of the homestead option sales and use tax, as follows:

"(b)(1) When the imposition of a local sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district shall levy a local sales and use tax at the rate of 1 percent. Except as to rate, the local sales and use tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the sales and use tax levied pursuant to this article, except that the sales and use tax provided in this article shall be applicable to ~~sales of motor~~

~~fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.~~

(2) The sales and use tax provided for in this article in a special district shall be applicable to sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2 through June 30, 2016. On or after July 1, 2016, such sales and use tax shall not be applicable to sales of motor fuels as defined in Code Section 48-9-2.

(3) On or after July 1, 2016, such sales and use tax shall be levied at the rate of 1.25 percent."

#### **SECTION 4-11.**

Said title is further amended by adding a new paragraph to Code Section 48-8-110, relating to definitions regarding the county special purpose local option sales tax, to read as follows:

"(5)(A) 'Transportation purposes' means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including general obligation debt and other multiyear obligations issued to finance such purposes.

(B) 'Education transportation purposes' means, for purposes of proceeds of a tax levied pursuant to Part 2 of this article, which proceeds are attributable to the sale of motor fuel as prepaid local tax as such term is defined in Code Section 48-8-2, pursuant to the authority granted to the General Assembly by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, transportation necessary to move students to and from educational facilities in this state and all accompanying infrastructure and support necessary to provide safe and efficient access to and egress from these educational facilities."

#### **SECTION 4-12.**

Said title is further amended by revising subsection (c) of and by adding a new subsection to Code Section 48-8-110.1, relating to the authorization for a county special purpose local option sales tax, to read as follows:

"(c) Any tax imposed under this part shall be at the rate of 1 percent. Except as to rate, a tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax imposed under this part shall apply to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3.

(d) On or after July 1, 2015, following the expiration in a special district of the authorization for the levy of the tax authorized in this part, any renewal or continuation of a levy of the tax authorized in this part shall include a provision authorizing the

expenditure for transportation purposes of at least the amount collected, as determined by an average of the previous three calendar years, on the sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2 in the special district. Such provision shall be included in the referendum required by this part and list the specific transportation purposes to be authorized as required under this part."

#### **SECTION 4-13.**

Said title is further amended by revising subparagraph (a)(1)(A) of Code Section 48-8-111, relating to the procedure for the implementation of the county special purpose local option sales tax, as follows:

"(A) A ~~capital outlay~~ project consisting of ~~road, street, and bridge purposes, which purposes may include sidewalks and bicycle paths~~ transportation purposes;"

#### **SECTION 4-14.**

Said title is further amended by revising Code Section 48-8-143, relating to distribution of the sales tax for educational purposes, as follows:

"48-8-143.

(a) The net proceeds of the sales tax for educational purposes shall be distributed in the manner provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution unless another distribution formula is provided for by the enactment of a local Act. Any such local Act providing for an alternate distribution formula shall not be amended during the time period for which the tax was imposed.

(b)(1) It is the intention of the General Assembly, pursuant to the authority granted by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, to further define and implement by general law that education transportation purposes shall constitute a proper expenditure of proceeds from the levy of a sales tax for educational purposes.

(2) As used in this subsection, the term 'education transportation purposes' means, for purposes of a tax levied pursuant to this part which proceeds are attributable to the sale of motor fuel as prepaid local tax as such term is defined in Code Section 48-8-2, pursuant to the authority granted to the General Assembly by Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, transportation necessary to move students to and from educational facilities in this state and all accompanying infrastructure and support necessary to provide safe and efficient access to and egress from these educational facilities."

#### **SECTION 4-15.**

Said title is further amended by revising subsection (c) of and adding a new subsection to Code Section 48-8-201, relating to the intergovernmental agreement for the distribution of tax proceeds from the water and sewer projects sales tax, as follows:

"(c) In the event a tax imposed under this article is imposed only by the municipality:

(1) No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall apply to:

(A) Sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 until the expiration of the current authorization for the tax in such municipality. On or after the date immediately following such expiration, such tax shall not be applicable to sales of motor fuels as defined in Code Section 48-9-2;

(B) The sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3;

(C) The sale of natural or artificial gas used directly in the production of electricity which is subsequently sold, notwithstanding paragraph (70) of Code Section 48-8-3; and

(D) The furnishing for value to the public of any room or rooms, lodgings, or accommodations which is subject to taxation under Article 3 of Chapter 13 of this title; and

(2) A tax imposed under this article shall not apply to the sale of motor vehicles."

"(e) After the expiration of the current authorization for any tax imposed under this article, any reauthorization for the levy of a tax imposed under this article shall be at the rate of 1.25 percent."

#### SECTION 4-16.

Said title is further amended by revising Code Section 48-9-3, relating to an excise tax on motor fuel, as follows:

"48-9-3.

(a)(1) An excise tax is imposed at the rate of ~~7-1/2¢~~ 29.2¢ per gallon on distributors who sell or use motor fuel, other than diesel fuel, within this state. An excise tax is imposed at the rate of 33¢ per gallon on distributors who sell or use diesel fuel within this state. It is the intention of the General Assembly that the legal incidence of the tax be imposed upon the distributor.

(1.1)(A) Beginning on July 1, 2016, and annually thereafter, the amount of this excise tax per gallon on distributors shall be automatically adjusted on an annual basis in accordance with this paragraph.

(B) Using 2014 as a base year, the department shall determine the average miles per gallon of all new vehicles registered in this state pursuant to Code Section 48-5C-1 using the average of combined miles per gallon published in the United States Department of Energy Fuel Economy Guide. Beginning on July 1, 2016, and each year thereafter, the department shall calculate the average miles per gallon of all new vehicles registered in this state in the previous year. The excise tax rate shall be multiplied by the percentage increase or decrease in fuel efficiency from the previous year, and the resulting increase or decrease shall be added to the excise tax rate to determine the preliminary excise tax rate.

(C) Once the preliminary excise tax rate is established, it shall be multiplied by the annual percentage of increase or decrease in highway construction costs as

measured by the National Highway Construction Cost Index published by the Office of Highway Policy Information of the Federal Highway Administration. The resulting calculation shall be added to the preliminary excise tax rate, and the result of such calculation shall be the new excise tax rate for motor fuels for the next calendar year.

(2) In the event any motor fuels which are not commonly sold or measured by the gallon are used in any motor vehicles on the public highways of this state, the commissioner may assess, levy, and collect a tax upon such fuels, under such regulations as the commissioner may promulgate, in accordance with and measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. Any determination by the commissioner of the power potential equivalent of such motor fuels shall be prima-facie correct. Upon each such quantity of such fuels used upon the public highways of this state, a tax at the same rate per gallon imposed on motor fuel under paragraph (1) of this subsection shall be assessed and collected.

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

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

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

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

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

(b) No tax is imposed by this article upon or with respect to the following sales by duly licensed distributors:

(1) Bulk sales to a duly licensed distributor;

(2) Sales of motor fuel for export from this state when exempted by any provisions of the Constitutions of the United States or this state;

(3) Sales of motor fuel to a licensed distributor for export from this state;

(4) Sales of motor fuel to the United States for the exclusive use of the United States when the motor fuel is purchased and paid for by the United States;

(5) Sales of aviation gasoline to a duly licensed aviation gasoline dealer, except for 1¢ per gallon of the tax imposed by paragraph (1) of subsection (a) of this Code section ~~and all of the tax imposed by Code Section 48-9-14;~~

(6) Bulk sales of compressed petroleum gas or special fuel to a duly licensed consumer distributor;

(7)(A) Sales of compressed petroleum gas or special fuel to a consumer who has no highway use of the fuel at the time of the sale and does not resell the fuel. Consumers of compressed petroleum gas or special fuel who have both highway and nonhighway use of the fuel and resellers of such fuel must be licensed as distributors in order for sales of the fuel to be tax exempt. Each type of motor fuel is to be considered separately under this exemption.

(B)(i) In instances where a sale of compressed petroleum gas has been made to an ultimate consumer who has both highway and nonhighway use of that type of motor fuel and no tax has been paid by the distributor on the sale, the consumer shall become licensed as a consumer distributor of that type of motor fuel. After the consumer is licensed as a consumer distributor and if it is demonstrated to the satisfaction of the commissioner that the motor fuel purchased prior to the licensee's becoming licensed as a consumer distributor was used for nonhighway purposes, such sales shall be exempt from the tax imposed by this article; provided, however, that, if at the time of demonstration the ultimate consumer does not have both highway and nonhighway use of such fuel but it can be demonstrated by the distributor to the satisfaction of the commissioner that the motor fuel was used for nonhighway purposes, the sales shall be exempt from the tax imposed by this article; and

(ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, is not exempt from the motor fuel and road taxes imposed by this article unless: (1) the purchaser is at the time of sale a valid licensed distributor of that type of motor fuel, or (2) an exemption certificate has been obtained from the purchaser on forms furnished by the Department of Revenue showing that the purchaser has no highway use of such fuels and is not a reseller of such fuels. Each exemption certificate shall be valid for a period of not more than three years and shall be kept by the distributor as one of the records specified in Code Section 48-9-8. It shall be the responsibility of the purchaser to notify the distributor when the purchaser is no longer qualified for the nonhighway exemption. All applicable taxes must be charged the purchaser until the purchaser is granted a valid distributor's license for that type of motor fuel.

(II) Any such purchaser granted an exemption under subdivision (I) of this division who falsely claims the exemption or fails to rescind the purchaser's exemption certificate to the distributor in writing when he or she is no longer eligible for the exemption shall be deemed a distributor for purposes of taxation and is subject to all provisions of this article relating to distributors. This division in no way shall restrict

the option of the purchaser to become licensed as a distributor. If the distributor sells special fuel to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, and the purchaser is not a valid licensed distributor and has not executed a valid signed exemption certificate, the taxes imposed by this article are due from the distributor and not the purchaser on all sales of that type of fuel to that purchaser; (8) Sales of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only. The delivery of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only shall be made directly into the storage receptacle of the heating unit of the consumer by the licensed distributor. To qualify for this exemption, sales must be delivered into storage receptacles that are not equipped with any secondary withdrawal outlets for the motor fuel;

(9) Sales of dyed fuel oils to a consumer for other than highway use as defined in paragraph (8) of Code Section 48-9-2;

(10)(A) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit vehicles which are owned by public transportation systems which receive or are eligible to receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger fares are routinely charged and which vehicles are used exclusively for revenue generating purposes which motor fuel sales occur at bulk purchase facilities approved by the department.

(B) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public campus transportation system, provided that such system has a policy which provides for free transfer of passengers from the public transportation system operated by the jurisdiction in which the campus is located; makes the general public aware of such free transfer policy; and receives no state or federal funding to assist in the operation of such public campus transportation system and which motor fuel sales occur at bulk purchase facilities approved by the department.

(C) For purposes of this paragraph, the term 'vehicle' or 'vehicles' means buses, vans, minibuses, or other vehicles which have the capacity to transport seven or more passengers; or

(11) For the period of time beginning July 1, 2013, and ending June 30, 2015, sales of motor fuel to public school systems in this state for the exclusive use of the school system in operating school buses when the motor fuel is purchased and paid for by the school system.

(c) Fuel oils, compressed petroleum gas, or special fuel used by a duly licensed distributor for nonhighway purposes is exempt from the tax imposed by this article.

(d) No export from this state shall be recognized as being exempt from tax under paragraphs (2) and (3) of subsection (b) of this Code section unless the exporter informs the seller and the terminal operator of the intention to export and causes to be set out the minimum information specified in subsection (e) of Code Section 48-9-17 on the

bill of lading or equivalent documentation under which the motor fuel is transported. In the event that the motor fuel is delivered to any point other than that which is set out on the bill of lading or equivalent documentation, the legal incidence of the tax shall continue to be imposed exclusively upon the exporter who caused the export documentation to be issued and no exemption shall be recognized until suitable proof of exportation has been provided to the commissioner."

#### **SECTION 4-17.**

Said title is further amended by repealing in its entirety Code Section 48-9-14, relating to the second motor fuel tax, and designating said Code section as reserved.

#### **PART V SECTION 5-1.**

Said title is further amended by revising paragraphs (3.1), (4.1), and (5.1) of subsection (a) and subparagraph (b)(7)(A) of Code Section 48-13-51, relating to the excise tax on rooms, lodgings, and accommodations, as follows:

"(3.1) Notwithstanding any other provision of this subsection, a county ~~(within the territorial limits of the special district located within the county)~~ and the municipalities within a county in which a trade and convention center authority has been created by intergovernmental contract between a county and one or more municipalities located therein, and which trade and convention center authority is in existence on or before March 21, 1988, and which trade and convention center authority has not constructed or operated any facility before March 21, 1988, may levy a tax under this Code section at a rate of 6 percent. A county or municipality levying a tax pursuant to this paragraph shall expend ~~(in each fiscal year during which the tax is collected under this paragraph)~~ an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 6 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, and facilities, including, but not limited to, a trade and convention center, exhibit hall, conference center, performing arts center, accommodations facilities, including food service, or any combination thereof, for convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts purposes and other events and activities for similar and related purposes, acquiring the necessary property therefor, both real and personal, and funding all expenses incident thereto, and supporting, maintaining, and promoting such facilities owned, operated, or leased by or to the local trade and convention center authority; or (C) for some combination of such purposes; provided, however, that at least 50 percent of the total taxes collected at the rate of 6 percent shall be expended for the purposes specified in subparagraph (B) of this paragraph. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a

local building authority created by local constitutional amendment, and a trade and convention center authority created by intergovernmental contract between a county and one or more municipalities located therein, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities. The aggregate amount of all excise taxes imposed under this paragraph and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed ~~13~~ 13.5 percent. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2029, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph, secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state, and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interests and rights of the holder of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a building authority created by local constitutional amendment, shall constitute a contract with the holder of such obligation. Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph, the term: 'fund' or 'funding' shall include the cost and expense of all things deemed necessary by a building authority created by local constitutional amendment for the construction and operation of a facility or facilities, including, but not limited to, the study, operation, marketing, acquisition, construction, financing, including the payment of principal and interest on any obligation of the building authority created by local constitutional amendment and any obligation of the building authority created by local constitutional amendment to refund any prior obligation of the building authority created by local constitutional amendment, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by an authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys and having an initial term of not more than 37 years; and 'facility' or 'facilities' ~~shall mean~~ means any of the buildings, structures, and facilities described in subparagraph (B) of this paragraph and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of such facility used for any purpose or purposes specified in subparagraph (B) of this paragraph by a building authority created by local constitutional amendment."

"(4.1) Notwithstanding any other provision of this subsection, a county (within the territorial limits of the special district located within the county) or municipality within a county in which a coliseum authority has been created by local Act of the General Assembly and which authority is in existence on or before July 1, 1963, for the purpose of owning or operating a facility, may levy a tax under this Code section at a rate of 7 percent. A county or municipality levying a tax pursuant to this

paragraph shall expend ~~(in each fiscal year during which the tax is collected under this paragraph)~~ an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 7 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding and supporting a facility owned or operated by such coliseum authority; or (C) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local coliseum authority, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purpose (B) may be so expended in any otherwise lawful manner without the necessity of a contract. The aggregate amount of all excise taxes imposed under this paragraph and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed ~~42~~ 12.5 percent. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2028, provided that during any period during which there remains outstanding any obligation which is incurred prior to January 1, 1995, issued to fund a facility as contemplated by this paragraph, and secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state, and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interest and rights of the holders of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a coliseum and exhibit hall authority, shall constitute a contract with the holder of such obligations. Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph, the term: 'fund' ~~and or~~ or 'funding' shall include the cost and expense of all things deemed necessary by a local coliseum authority for the construction, renovation, and operation of a facility, including, but not limited to, the study, operation, marketing, acquisition, construction, finance, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by a local coliseum authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys incurred prior to January 1, 1995, and having an initial term of not more than 30 years; and 'facility' ~~shall mean~~ means a coliseum or other facility and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of a facility used for convention and trade show purposes or amusement purposes, educational purposes, or a combination thereof and for fairs, expositions, or exhibitions in connection therewith by a local coliseum authority."

"(5.1) Notwithstanding any other provision of this subsection, a county ~~(within the territorial limits of the special district located within the county)~~ and the municipalities within a county in which a coliseum and exhibit hall authority has been

created by local Act of the General Assembly for a county and one or more municipalities therein, and which local coliseum and exhibit hall authority is in existence on or before January 1, 1991, and which local coliseum and exhibit hall authority has not constructed or operated any facility before January 1, 1991, may levy a tax under this Code section at a rate of 8 percent. A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph) an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 8 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, and facilities, including, but not limited to, a coliseum, exhibit hall, conference center, performing arts center, or any combination thereof, for convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts purposes and other events and activities for similar and related purposes, acquiring the necessary property therefor, both real and personal, and funding all expenses incident thereto, and supporting, maintaining, and promoting such facilities owned, operated, or leased by or to the local coliseum and exhibit hall authority or a downtown development authority; or (C) for some combination of such purposes; provided, however, that at least 50 percent of the total taxes collected at the rate of 8 percent shall be expended for the purposes specified in subparagraph (B) of this paragraph. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local coliseum and exhibit hall authority, a downtown development authority, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities, notwithstanding any provision of paragraph (8) of this subsection to the contrary. The aggregate amount of all excise taxes imposed under this paragraph and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed ~~13~~ 13.5 percent; provided, however, that any sales tax for educational purposes which is imposed pursuant to Article VIII, Section VI, Paragraph IV of the Constitution shall not be included in calculating such limitation. Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2028, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph, secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state, and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interests and rights of the holder of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a local coliseum and exhibit hall authority or a downtown development authority, shall constitute a contract with the holder of such obligation. Notwithstanding any other provision of this Code section

to the contrary, as used in this paragraph, the term: 'fund' or 'funding' shall include the cost and expense of all things deemed necessary by a local coliseum and exhibit hall authority or a downtown development authority for the construction and operation of a facility or facilities, including, but not limited to, the study, operation, marketing, acquisition, construction, financing, including the payment of principal and interest on any obligation of the local coliseum and exhibit hall authority or the downtown development authority and any obligation of the local coliseum and exhibit hall authority or the downtown development authority to refund any prior obligation of the local coliseum and exhibit hall authority or the downtown development authority, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by an authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys and having an initial term of not more than 37 years; 'facility' or 'facilities' ~~shall mean~~ means any of the buildings, structures, and facilities described in subparagraph (B) of this paragraph and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of such facility used for any purpose or purposes specified in subparagraph (B) of this paragraph by a local coliseum and exhibit hall authority or a downtown development authority; and 'downtown development authority' ~~shall mean~~ means a downtown development authority created by local Act of the General Assembly for a municipality pursuant to a local constitutional amendment."

"(7)(A) Any municipality which is levying an excise tax under paragraph (5) of subsection (a) of this Code section, so long as any obligation as described in division (a)(5)(A)(ii) or subparagraph (a)(5)(B) of this Code section remains outstanding, shall leave such excise tax in effect at the rate of 7 percent and may levy up to an additional 1 percent excise tax under this paragraph so long as the combined rate does not exceed 8 8.5 percent."

## PART VI SECTION 6-1.

Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," is amended by revising subsection (b) of Code Section 32-10-127, relating to loans and other financial assistance and the determination of eligible projects, as follows:

"(b)(1) The board shall determine which projects are eligible projects and then select from among the eligible projects qualified projects. When determining eligibility, the board shall make every effort to balance any loans or other financial assistance among all regions of this state.

(2) Preference for loans may be given to eligible projects ~~which have local financial support~~ in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department of Community Affairs.

(3) Preference for grants and other financial assistance may be given to eligible projects which have local financial support."

**PART VII**  
**SECTION 7-1.**

- (a) This Act shall become effective on July 1, 2015.
- (b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall not be affected by the passage of this Act and shall continue to be governed by the provisions of Title 48 of the Official Code of Georgia Annotated as it existed immediately prior to the effective date of this Act.

**SECTION 7-2.**

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

Pursuant to Rule 133, Representative Belton of the 112th was excused from voting on HB 170.

The following amendment was read:

Representatives Ramsey of the 72nd and O'Neal of the 146th offer the following amendment:

*Amend the substitute to HB 170 (LC 34 4595S) by replacing "29.2¢" on line 434 with "24¢".*

*By striking lines 435 and 436 and inserting in their place the following:*  
sell or use motor fuel, other than diesel fuel, within this state. An excise tax is imposed at the rate of 28¢ per gallon on distributors who sell or use diesel fuel within this state.

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

N Abrams	N Coomer	N Harbin	Y Meadows	N Smith, E
N Alexander	Y Cooper	N Harden	N Mitchell	Y Smith, L
Y Allison	N Corbett	Y Harrell	Y Morris	N Smith, M
N Anderson	N Dawkins-Haigler	N Hatchett	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	N Nimmer	N Smyre
Y Ballinger	N Dempsey	N Henson	Y Nix	Y Spencer
Y Barr	N Dickerson	Y Hightower	N Oliver	N Stephens, M
Y Battles	N Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	N Dickson	N Holcomb	Y Pak	N Stephenson
N Bell	Y Dollar	N Holmes	Y Parrish	N Stovall
Belton	N Douglas	Y Houston	Y Parsons	Y Stover
N Bennett	N Drenner	N Howard	Y Peake	N Strickland
N Bentley	Y Dudgeon	N Hugley	Y Petrea	N Tankersley

N Benton	N Dukes	N Jackson	Y Pezold	Y Tanner
N Beskin	Y Dunahoo	N Jacobs	Y Powell, A	Y Tarvin
N Beverly	Y Duncan	Y Jasperse	N Powell, J	N Taylor, D
Y Broadrick	N Ealum	E Jones, J	N Prince	N Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	N Pruett	Y Teasley
N Brooks	Y Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
N Bruce	N England	N Jones, S	Y Raffensperger	N Thomas, E
N Bryant	Y Epps	E Jordan	N Rakestraw	N Trammell
N Buckner	N Evans	N Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	N Randall	N Waites
Y Caldwell, J	N Floyd	N Kendrick	Y Reeves	N Watson
Y Caldwell, M	N Fludd	Y Kidd	Y Rhodes	N Welch
Y Cantrell	N Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	N Frye	N Knight	N Roberts	Y Werkheiser
N Carter	N Gardner	N LaRiccica	Y Rogers, C	N Wilkerson
Y Casas	Y Gasaway	N Lumsden	N Rogers, T	N Wilkinson
N Chandler	N Geisinger	E Mabra	Y Rutledge	N Willard
Y Cheokas	N Glanton	N Marin	Y Rynders	N Williams, A
Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	N Gordon	N Maxwell	Y Setzler	N Williams, E
N Clark, V	Y Gravley	N Mayo	N Sharper	Y Williamson
N Coleman	N Greene	E McCall	N Shaw	Y Yates
Y Cooke	Y Hamilton	N McClain	N Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 77, nays 94.

The amendment was lost.

The following amendment was read:

Representatives Setzler of the 35, Ehrhart of the 36th, and Golick of the 40th offer the following amendment:

*Amend the substitute to HB 170 (LC 34 4595S) by adding "to provide for a referendum to authorize construction of fixed guide-way transit" after "purposes;" on line 4.*

*By adding between lines 61 and 62 the following:*

### SECTION 1-3.

Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, is amended by adding a new Code section to read as follows:

"36-1-27.

(a) In any county other than a county in which a referendum has been approved for the participation in a rapid transit system authorized by or pursuant to a local constitutional amendment and by or pursuant to an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' the governing authority of such county, any authority created by law, any agency, or any

other political subdivision, special district, or instrumentality of this state shall be prohibited from receiving or expending any proceeds of any tax, any moneys from its general fund, or any other revenues from any county, state, or federal source or from incurring any general obligation debt, revenue debt, or other multiyear obligations for any fixed guide-way transit capital, maintenance and operations, or operational subsidy unless approved in a separate referendum question as provided in this Code section.

(b) Whenever the governing authority of any such county wishes to submit to the electors of such county the question of whether county revenues may be expended for fixed guide-way transit, any such governing authority shall notify the election superintendent of such county by forwarding to the superintendent a copy of a resolution of the governing authority calling for a referendum election. Upon receipt of the resolution, it shall be the duty of the election superintendent to issue the call for an election for the purpose of submitting the question of authorizing such expenditure to the voters of the county for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. 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 of the election in the official organ of such county. The ballot shall have written or printed thereon the following:

' ( ) YES Shall the expenditure of revenues for fixed guide-way transit within ( ) NO \_\_\_\_\_ County be approved?'

(c) All persons desiring to vote in favor of the question shall vote 'Yes,' and all persons desiring to vote against the question shall vote 'No.' If more than one-half of the votes cast are in favor of the question, then the expenditure of county revenues for such purpose shall be deemed approved; otherwise, such expenditures shall continue to be prohibited. It shall be the duty of the election superintendent to hold and conduct such elections under the same rules and regulations as govern special elections. It shall be the superintendent's further duty to canvass the returns, declare the result of the election, and certify the result to the Secretary of State. The expense of the election shall be borne by the county holding the election.

(d) If such referendum is approved, the local delegation to the General Assembly from such county may, by passage of a local act, provide for the construction, governance, operations, maintenance, and expansion of the fixed guide-way transit system within the county."

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

N Abrams	Y Coomer	N Harbin	N Meadows	N Smith, E
N Alexander	Y Cooper	Y Harden	N Mitchell	Y Smith, L
Y Allison	N Corbett	Y Harrell	Y Morris	N Smith, M
N Anderson	N Dawkins-Haigler	N Hatchett	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	N Smyre
Y Ballinger	Y Dempsey	N Henson	Y Nix	Y Spencer

Y Barr	N Dickerson	Y Hightower	N Oliver	N Stephens, M
N Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	N Holcomb	Y Pak	N Stephenson
N Bell	Y Dollar	N Holmes	Y Parrish	N Stovall
Belton	N Douglas	N Houston	Y Parsons	Y Stover
N Bennett	N Drenner	N Howard	Y Peake	N Strickland
N Bentley	Y Dudgeon	N Hugley	Y Petrea	N Tankersley
N Benton	N Dukes	N Jackson	Y Pezold	Y Tanner
N Beskin	Y Dunahoo	N Jacobs	Y Powell, A	Y Tarvin
N Beverly	Y Duncan	Y Jasperse	N Powell, J	N Taylor, D
Y Broadrick	N Ealum	E Jones, J	N Prince	Y Taylor, T
Y Brockway	Y Efstrotation	Y Jones, J.B.	Y Pruett	Y Teasley
N Brooks	Y Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
N Bruce	N England	N Jones, S	Y Raffensperger	N Thomas, E
N Bryant	Y Epps	E Jordan	N Rakestraw	N Trammell
N Buckner	N Evans	N Kaiser	Y Ramsey	Y Turner
N Burns	Y Fleming	Y Kelley	N Randall	N Waites
N Caldwell, J	N Floyd	N Kendrick	Y Reeves	N Watson
Y Caldwell, M	N Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	N Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	N Frye	N Knight	Y Roberts	Y Werkheiser
N Carter	N Gardner	N LaRiccica	N Rogers, C	N Wilkerson
Y Casas	N Gasaway	Y Lumsden	Y Rogers, T	N Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	N Willard
N Cheokas	N Glanton	N Marin	N Rynders	N Williams, A
Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	N Gordon	N Maxwell	Y Setzler	N Williams, E
Y Clark, V	Y Gravley	N Mayo	N Sharper	Y Williamson
Y Coleman	N Greene	E McCall	N Shaw	Y Yates
Y Cooke	Y Hamilton	N McClain	N Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 84, nays 87.

The amendment was lost.

Representative Ramsey of the 72nd moved that HB 170 be placed upon the table.

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

N Abrams	N Coomer	Y Harbin	N Meadows	N Smith, E
N Alexander	N Cooper	N Harden	N Mitchell	N Smith, L
Y Allison	N Corbett	Y Harrell	Y Morris	N Smith, M
N Anderson	N Dawkins-Haigler	N Hatchett	N Mosby	N Smith, R
Y Atwood	Y Deffenbaugh	N Hawkins	N Nimmer	N Smyre
N Ballinger	N Dempsey	N Henson	N Nix	Y Spencer
Y Barr	N Dickerson	Y Hightower	N Oliver	N Stephens, M
N Battles	Y Dickey	N Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	N Dickson	N Holcomb	Y Pak	Stephenson
N Bell	Y Dollar	N Holmes	Y Parrish	N Stovall
Belton	N Douglas	N Houston	N Parsons	Y Stover
Bennett	N Drenner	N Howard	Y Peake	N Strickland
Y Bentley	Y Dudgeon	N Hugley	Y Petrea	N Tankersley
N Benton	N Dukes	N Jackson	Y Pezold	N Tanner

N Beskin	Y Dunahoo	N Jacobs	Y Powell, A	N Tarvin
N Beverly	Y Duncan	N Jasperse	N Powell, J	N Taylor, D
N Broadrick	N Ealum	E Jones, J	N Prince	N Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	N Pruett	Y Teasley
N Brooks	N Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
N Bruce	N England	N Jones, S	Y Raffensperger	N Thomas, E
N Bryant	N Epps	E Jordan	N Rakestraw	N Trammell
N Buckner	N Evans	N Kaiser	Y Ramsey	Y Turner
N Burns	Y Fleming	Y Kelley	N Randall	Y Waites
Y Caldwell, J	N Floyd	N Kendrick	Y Reeves	N Watson
Y Caldwell, M	Y Fludd	N Kidd	Y Rhodes	N Welch
N Cantrell	N Frazier	Y Kirby	Y Rice	Y Weldon
Carson	N Frye	N Knight	N Roberts	Y Werkheiser
N Carter	N Gardner	N LaRiccia	N Rogers, C	N Wilkerson
Y Casas	Y Gasaway	N Lumsden	N Rogers, T	N Wilkinson
Y Chandler	Geisinger	E Mabra	Y Rutledge	N Willard
N Cheokas	N Glanton	N Marin	N Rynders	N Williams, A
N Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	N Gordon	N Maxwell	Y Setzler	N Williams, E
N Clark, V	Y Gravley	N Mayo	N Sharper	Y Williamson
N Coleman	N Greene	E McCall	N Shaw	N Yates
Y Cooke	N Hamilton	N McClain	N Sims	Ralston, Speaker

On the motion, the ayes were 56, nays 111.

The motion was lost.

The Rules Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, 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 Coomer	N Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	N Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
N Atwood	N Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	N Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	N O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	N Holcomb	Y Pak	N Stephenson
Y Bell	N Dollar	N Holmes	Y Parrish	Y Stovall
Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
N Bentley	N Dudgeon	Y Hugley	N Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	N Dunahoo	Y Jacobs	N Powell, A	N Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T

N Brockway	N Efstoration	N Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Y Ehrhart	E Jones, L	N Quick	E Thomas, A.M.
Y Bruce	Y England	Y Jones, S	N Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	N Ramsey	N Turner
Y Burns	N Fleming	N Kelley	Y Randall	Waites
Y Caldwell, J	Y Floyd	Y Kendrick	N Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	N Rhodes	N Welch
N Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	N Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
N Casas	N Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	N Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	N Golick	N Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	N Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 123, nays 46.

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

HB 213. By Representatives Jacobs of the 80th, Roberts of the 155th, Smyre of the 135th, Geisinger of the 48th, Mitchell of the 88th 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 provide for a permanent suspension of restrictions on the use of sales and use tax proceeds upon the submission of an independent management audit to certain officials; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend 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 provide for the rate of a sales and use tax; to provide for a permanent suspension of restrictions on the use of sales and use tax proceeds upon the submission of an independent management audit to certain officials; 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 paragraph (1) of subsection (b) and subsection (i) of Section 25 as follows:

"(b)(1) Rate of Tax. The tax when levied shall be at the rate of one (1%) percent until and including June 30, ~~2047~~ 2057, and shall thereafter be reduced to one-half (1/2%) of one percent. Said tax shall be added to the State Sales and Use Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State Revenue Commissioner is hereby authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax herein imposed in the areas affected."

"(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, 2017. If the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Governor, the State Auditor, and the chairperson of the Metropolitan Atlanta Rapid Transit Overview Committee annually the original and 14 copies of every four years as provided in subsection (e) of Section 17 of this Act a report of the findings of a completed independent management performance audit of the Authority's current operations 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 four years beginning January 1, ~~2003, and ending June 30, 2003, and each fiscal year commencing thereafter until July 1, 2032,~~ of the year immediately following the year in which the completed independent management audit was due but not submitted, 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 2.

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

### SECTION 3.

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

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Smith, L
N Allison	Y Corbett	Y Harrell	Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Hatchett	Y Mosby	Y Smith, R
Y Atwood	Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	N Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	N Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	N Dollar	Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	N Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T
Y Brockway	N Efrstration	Y Jones, J.B.	Pruett	Y Teasley
Y Brooks	N Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
N Burns	Y Fleming	N Kelley	Y Randall	Y Waites

Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	N Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	N Rynders	Y Williams, A
Y Clark, D	Y Golick	N Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	N Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	E McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 144, nays 19.

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

HB 214. By Representatives Jacobs of the 80th, Geisinger of the 48th, Mitchell of the 88th, Taylor of the 79th, Gardner of the 57th 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 provide for the restoration of voting privileges to the Commissioner of the Department of Transportation until 2017; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for the restoration of voting privileges to the Executive Director of the Georgia Regional Transportation Authority until 2017; to provide for the staggering of new board members when a county joins the Authority; to provide for the process by which contracts for concessions shall be awarded; to provide for suspensions from the system and property for violations of rules and regulations; to provide for the inclusion of certain items in an independent management audit; to provide for the issuance of citations; to provide for an appeals process; to provide for the appointment of hearing officers; to provide for a hearing; to provide for the appeal of decisions to superior court; to provide for the authority to pursue legal action for the collection of fines; to provide for the retail sales

and use tax rate when a county joins the Authority; 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), is amended by revising subsections (a) and (b) of Section 6 as follows:

"(a) On and after January 1, 2017, the Board of Directors of the Authority shall be reconstituted and composed of 11 voting members and two nonvoting 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 with three of the four appointees to be appointed by the 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 and one of such 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. 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.

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~~ be nonvoting members of the Board ~~on the effective date of this sentence~~ and shall serve while holding their State offices; provided, however, that notwithstanding any provisions of this Act to the contrary, the Executive Director of the Georgia Regional Transportation Authority shall be a voting member of the Board until December 31, 2016.

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 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 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) The local governing bodies of Clayton, Cobb, and Gwinnett 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 the question of approval of a rapid transit contract between the county submitting the question and the Authority, all in accordance with the provisions of Section 24 of this Act. The local governing bodies of 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, 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 the county may then appoint two residents of the county to the Board of Directors of the Authority. The local governing body shall designate one such resident to serve an initial term ending on the 31st day of December in the second full year after the year in which the referendum approving said rapid transit contract was held and one such resident to serve a an initial 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 such additional members. Upon the conclusion of the initial terms provided for in this subsection, the local governing body which appointed the member for that initial term shall appoint a successor thereto for a term of office of four years."

**SECTION 2.**

Said Act is further amended by revising subsections (f) and (g) of Section 14 as follows:

"(f) All concessions granted by the Authority for the sale of products or the rendition of services for a consideration on Authority property shall be awarded only pursuant to written specifications after competitive bidding procurement and to the highest responsible bidder respondent in a manner similar to that required in subsection (b)."

"(g) Contracts for the sale, lease, or other disposition of real property owned by the Authority shall be awarded only after competitive bidding procurement and to the highest responsible bidder respondent in a manner similar to that required in subsection (b), provided that such competitive bidding procurement procedures may be waived, but only if the Board determines that the negotiation of a sale, lease, exchange, or other disposition of real property owned or to be acquired by the Authority is necessary to facilitate either of the following: (i) the location of an Authority transportation project within real property owned by another; or (ii) the passage of the public between an Authority transportation project and the property of another."

**SECTION 3.**

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

"(e) Not later than December 31, 2016, and every four years thereafter, the Authority shall cause to be performed an independent management audit on the condition of management of the Authority, to be supervised and approved by the Metropolitan Atlanta Rapid Transit Overview Committee. Such management audit shall include the 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. 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."

**SECTION 4.**

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

"(a)(1) The Board may promulgate reasonable rules and regulations, not inconsistent with law, for the control and management of its operations, properties, employees, and patrons.

(2) Violations of such 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.~~ may be punished by a suspension from the use of Authority services and presence on Authority property for a period of time to be set by the Board or a civil fine or both, provided that such fine shall be no more than \$300.00.

(3) A citation shall be issued for violations of such rules and regulations which shall include notice of suspension from the use of Authority services and presence on

Authority property or the civil fine amount or both, as applicable. Such citation shall also state at the top of the citation and in a print size no smaller than the largest print size used on the citation:

(A) That the suspension or civil fine or both may be appealed as provided for in paragraph (4) of this subsection;

(B) The procedures by which such appeal shall be requested, including the mailing, overnight delivery, and hand delivery address to be used for such requests, specifying the required methods of delivery;

(C) That such suspension or civil fine or both shall be deemed final if no appeal is made within 30 days; and

(D) That if no appeal is made, use of Authority services or entry upon Authority property is forbidden and subsequent use of services or entry upon property during a period of suspension shall constitute criminal trespass under Code Section 16-7-21 of the O.C.G.A.

(4) A citation may be appealed to the Authority by written request by registered or certified mail, statutory overnight delivery, or hand delivery within 30 days of the issuance of such citation. Within ten days of receipt of a request for a hearing, the Authority shall respond to the person requesting a hearing to schedule a hearing date, which shall be no later than 30 days from the receipt of the request. If no hearing is requested within 30 days of the issuance of a citation, the suspension or fine issued shall be deemed final and become effective immediately.

(5) The Board shall hire a neutral licensed attorney to be known as the hearing officer to hear the appeal. Such attorney shall be a member in good standing with the State Bar of Georgia, have been in the practice of law for at least five years, and be appointed for one or more terms of two years subject to removal by majority vote of the Board only for good cause. The Board may appoint more than one neutral licensed attorney to serve as hearing officers subject to the requirements of this paragraph should the case load so require.

(6) The hearing shall, with respect to rules of evidence and procedure, be conducted in accordance with Chapter 13 of Title 50 of the O.C.G.A., the 'Georgia Administrative Procedure Act.'

(7) Within 30 days after the final decision from the hearing officer, a petition may be filed in superior court of the county where the alleged conduct occurred that resulted in a citation. A copy of the petition shall be served upon the Authority. The petition shall state that the petitioner is aggrieved by the decision and the grounds upon which the petitioner contends the decision should be reversed. The filing of a petition for judicial review in superior court does not itself stay enforcement of the citation. The court may reverse or modify the decision if substantial rights of the petitioner have been prejudiced because the decision was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record.

(8) The Authority may pursue any and all legal remedies for the collection of outstanding fines.

(9) All rules and regulations governing the conduct of the public in or upon the Authority's transportation system and the length of suspension or civil fine or penalty for infraction of such rules and regulations shall be posted in a prominent location on the Authority's website."

**SECTION 5.**

Said Act is further amended by revising subparagraph (b)(2)(A) of Section 25 as follows:

"(2)(A) A local governing body which, on January 1, 1988, is not a party to the Rapid Transit Contract and Assistance Agreement specified in subsection (k) of this Section may enter into a rapid transit contract to provide public transportation services and facilities other than any extension of or addition to the Authority's existing rail rapid transit system and may levy a retail sales and use tax authorized under subsection (a) of this Section at the rate of ~~either one half (1/2%) percent or one (1%) percent, as determined by that contract between such local governing body and the Authority.~~ Such contract shall require that the costs of the transportation services and facilities contracted for, as determined by the Board of Directors on the basis of reasonable estimates, allocation of costs and capital, and projections shall be borne by one or more of the following:

- (i) Fares;
- (ii) The proceeds of the tax levied in accordance with this subparagraph;
- (iii) Other revenues generated by such services and facilities; and
- (iv) Any subsidy provided, directly or indirectly, by or on behalf of that local governing body which is the party to the contract.

Notwithstanding any limitation in subsection (i) of this Section or any other provision of this Act, the proceeds of the retail sales and use tax levied pursuant to this subparagraph may be used in their entirety to pay the operating costs of the system, as defined in that subsection (i)."

**SECTION 6.**

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

**SECTION 7.**

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

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

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

Y Abrams	Y Coomer	Y Harbin	N Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	N Morris	Y Smith, M

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

On the passage of the Bill, by substitute, the ayes were 146, nays 19.

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 292. By Representatives Knight of the 130th and Powell of the 171st:

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 define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to provide 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 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (14) of Code Section 48-1-2, relating to definitions regarding revenue and taxation, as follows:

"(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years beginning on or after January 1, ~~2013~~ 2014, the provisions of the United States Internal Revenue Code of 1986, as amended, provided for in federal law enacted on or before January 1, ~~2014~~ 2015, except that Section 85(c), Section 108(i), Section 163(e)(5)(F), Section 164(a)(6), Section 164(b)(6), Section 168(b)(3)(I), Section 168(e)(3)(B)(vii), Section 168(e)(3)(E)(ix), Section 168(e)(8), Section 168(k) (but not excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E), Section 168(m), Section 168(n), Section 172(b)(1)(H), Section 172(b)(1)(J), Section 172(j), Section 179(f), Section 199, Section 810(b)(4), Section 1400L, Section 1400N(d)(1), Section 1400N(f), Section 1400N(j), Section 1400N(k), and Section 1400N(o) of the Internal Revenue Code of 1986, as amended, shall be treated as if they were not in effect, and except that Section 168(e)(7), Section 172(b)(1)(F), Section 172(i)(1), and Section 1221 of the Internal Revenue Code of 1986, as amended, shall be treated as they were in effect before the 2008 enactment of federal Public Law 110-343, and except that Section 163(i)(1) of the Internal Revenue Code of 1986, as amended, shall be treated as it was in effect before the 2009 enactment of federal Public Law 111-5, and except that Section 13(e)(4) of 2009 federal Public Law 111-92 shall be treated as if it was not in effect, and except that the limitations provided in Section 179(b)(1) shall be \$250,000.00 for tax years beginning in 2010, shall be \$250,000.00 for tax years beginning in 2011, shall be \$250,000.00 for tax years beginning in 2012, ~~and~~ shall be \$250,000.00 for tax years beginning in 2013, and shall be \$500,000.00 for tax years beginning in 2014, and except that the limitations provided in Section 179(b)(2) shall be \$800,000.00 for tax years beginning in 2010, shall be \$800,000.00 for tax years beginning in 2011, shall be \$800,000.00 for tax years beginning in 2012, ~~and~~ shall be \$800,000.00 for tax years beginning in 2013, and shall be \$2 million for tax years beginning in 2014, and provided that

Section 1106 of federal Public Law 112-95 as amended by federal Public Law 113-243 shall be treated as if it is in effect, except the phrase 'Code Section 48-2-35 (or, if later, November 15, ~~2013~~ 2015)' shall be substituted for the phrase 'section 6511(a) of such Code (or, if later, April 15, ~~2013~~ 2015),' and notwithstanding any other provision in this title, no interest shall be refunded with respect to any claim for refund filed pursuant to Section 1106 of federal Public Law 112-95. In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to January 1, ~~2014~~ 2015, the term means the provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986, as amended. For taxable years beginning on or after January 1, ~~2013~~ 2014, provisions of the Internal Revenue Code of 1986, as amended, which were as of January 1, ~~2014~~ 2015, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes."

### SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2014.

### SECTION 3.

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

Representative Knight of the 130th moved that the House agree to the Senate substitute to HB 292.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	E Jones, J	Y Prince	Y Taylor, T

Y Brockway	Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	E Thomas, A.M.
Bruce	Y England	Y Jones, S	Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Glanton	Marin	Y Rynders	Y Williams, A
Y Clark, D	Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 160, nays 0.

The motion prevailed.

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 9, 2015, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, March 9, 2015.