

Representative Hall, Atlanta, Georgia**Monday, March 9, 2015****Twenty-Eighth Legislative Day**

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

Prayer was offered by Reverend Houston Berry, Interim Pastor, Second Memorial Baptist Church, Perry, 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 Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 558. By Representative Gardner of the 57th:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of licenses, so as to provide for restrictions on the issuance and use of instruction permits and graduated drivers' licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 559. By Representatives Fleming of the 121st and Jackson of the 128th:

A BILL to be entitled an Act to amend an Act to create a board of elections and registration for McDuffie County, approved March 22, 1990 (Ga. L. 1990, p. 4410), so as to increase the membership of the board; to provide for the manner of appointment and terms of office; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 560. By Representatives Holcomb of the 81st and Abrams of the 89th:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to provide requirements for submitting certain evidence collected from a forensic medical examination to the Georgia Bureau of Investigation; to provide for a definition; to provide for procedure; to provide for reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 561. By Representatives Wilkinson of the 52nd, Benton of the 31st, Henson of the 86th, Cooper of the 43rd, McCall of the 33rd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the adoptable dog as the official state dog; to provide legislative findings and declarations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- HB 562. By Representatives Hawkins of the 27th, Taylor of the 173rd, Clark of the 101st, Rogers of the 29th, Gardner of the 57th and others:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, so as to provide for the certification of polysomnographic technologists; to repeal a current law regarding polysomnography; to provide a short title; to provide legislative findings; to provide for definitions; to provide for applications to be made to the Georgia Composite Medical Board to obtain certification to practice polysomnography; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- HB 563. By Representatives Marin of the 96th, Kidd of the 145th, Floyd of the 99th, Chandler of the 105th, Scott of the 76th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and plates for certain persons and vehicles, so as to provide for special decals issued to persons with disabilities to include a photograph of the person issued the decal; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

- HR 565. By Representatives Rogers of the 10th, Gasaway of the 28th, England of the 116th, Roberts of the 155th, Powell of the 32nd and others:

A RESOLUTION honoring the life of Mr. John Robert "Johnny" Mize and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

- HR 566. By Representatives Spencer of the 180th, Shaw of the 176th, Corbett of the 174th and Nimmer of the 178th:

A RESOLUTION honoring the life of Corporal Russell S. King and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 578. By Representatives Weldon of the 3rd, Welch of the 110th, Oliver of the 82nd, Caldwell of the 131st, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, so as to change the offense of harassing phone calls to the offense of harassing communications; to provide for a definition; to provide for penalties; to provide for venue; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

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

HB 549	HB 550
HB 553	HB 554
HB 555	HB 556
HB 557	HB 564
HB 565	HB 566
HB 567	HB 568
HB 569	HR 564
SB 112	SB 114
SB 119	SB 131
SB 135	

Representative Hamilton of the 24th District, Chairman of the Committee on Industry and Labor, submitted the following report:

Mr. Speaker:

Your Committee on Industry and Labor 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 443	Do Pass
HB 500	Do Pass

Respectfully submitted,
/s/ Hamilton of the 24th
Chairman

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

Mr. Speaker:

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

HB 343	Do Pass	HB 437	Do Pass
HB 517	Do Pass	HB 527	Do Pass, by Substitute
SB 93	Do Pass		

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

Representative Willard of the 51st District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary 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 17	Do Pass, by Substitute	HB 98	Do Pass, by Substitute
HB 228	Do Pass	HB 295	Do Pass, by Substitute
HB 322	Do Pass, by Substitute	HB 342	Do Pass, by Substitute
HB 524	Do Pass		

Respectfully submitted,
/s/ Willard of the 51st
Chairman

Representative Pruett of the 149th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 519 Do Pass, by Substitute

Respectfully submitted,
/s/ Pruett of the 149th
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 and Resolutions of the House and has instructed me to report the same back to the House with the following recommendations:

HB 411 Do Pass, by Substitute
HR 36 Do Pass, by Substitute
HR 215 Do Pass

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

Representative Powell of the 171st District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

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

HB 221 Do Pass, by Substitute
HB 364 Do Pass, by Substitute
HB 428 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 171st
Chairman

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

HOUSE RULES CALENDAR
MONDAY, MARCH 9, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 28th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

- HB 385 Health records; determining annual cost adjustment for providing medical records from Office of Planning and Budget to Department of Community Health; move responsibility (GAff-Nimmer-178th)
- HB 386 Georgia Coordinating Committee for Rural and Human Services Transportation; Chapter 12 of Title 32; repeal (GAff-Nimmer-178th)

Modified Structured Rule

- HB 110 Fireworks; provide for sale of consumer fireworks; provisions (Substitute)(RegI-Roberts-155th)
- HB 212 Pain management clinics; health care professionals who must be on-site for the clinics to provide medical treatment or services; revise a provision (Substitute)(H&HS-Weldon-3rd)
- HB 296 Scholarship program; special needs students; expand eligibility (Substitute)(Ed-Nix-69th)
- HB 353 Nonpublic postsecondary educational institutions; revise definitions; revise provisions (Substitute)(HEd-Rogers-29th)
- HB 397 State Soil and Water Conservation Commission; revise provisions; provisions (Substitute)(A&CA-Knight-130th)

Structured Rule

- HB 492 Crimes and offenses; carrying in unauthorized locations; revise provisions (Substitute)(PS&HS-Jasperse-11th)

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

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

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 103. By Senators Jackson of the 2nd and Watson of the 1st:

A BILL to be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for local authorization and regulation of the sale of alcoholic beverages for consumption on the premises on Sundays during the St. Patrick's Day holiday period; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 129. By Senators McKoon of the 29th, Ligon, Jr. of the 3rd, Crane of the 28th, Bethel of the 54th, Harbin of the 16th and others:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the preservation of religious freedom; to provide for legislative findings; to provide for definitions; to provide for the granting of relief; to provide for a short title; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 133. By Senators Miller of the 49th, Tippins of the 37th, Jeffares of the 17th, Sims of the 12th, Beach of the 21st and others:

A BILL to be entitled an Act to amend Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the Education Coordinating Council, so as to provide for the establishment of the Opportunity School District; to provide for conforming amendments; to provide for related matters; to provide

for contingent effectiveness; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

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

SR 287. By Senators Miller of the 49th, Tippins of the 37th, Jeffares of the 17th, Sims of the 12th, Gooch of the 51st and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to allow the General Assembly to authorize the establishment of an Opportunity School District to provide for state intervention for failing schools; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

HB 478. By Representative Parrish of the 158th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of Candler County, approved March 23, 1933 (Ga. L. 1933, p. 430), as amended, particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4975), so as to provide for staggered terms for the commissioners; to provide for currently serving commissioners; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 489. By Representatives Ballinger of the 23rd, Carson of the 46th, Caldwell of the 20th, Cantrell of the 22nd and Turner of the 21st:

A BILL to be entitled an Act to amend an Act entitled "An Act to create the State Court of Cherokee County," approved April 15, 1996 (Ga. L. 1996, p. 4427), as amended, so as to provide for the appointment of solicitor-general investigators; to provide for qualifications; to provide for powers; to provide for a chief investigator; to repeal conflicting laws; and for other purposes.

HB 493. By Representatives Jones of the 167th and Atwood of the 179th:

A BILL to be entitled an Act to authorize the City of Brunswick to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to

provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 495. By Representatives Ramsey of the 72nd, Mabra of the 63rd, Yates of the 73rd, Stover of the 71st and Fludd of the 64th:

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

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

SB 103. By Senators Jackson of the 2nd and Watson of the 1st:

A BILL to be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for local authorization and regulation of the sale of alcoholic beverages for consumption on the premises on Sundays during the St. Patrick's Day holiday period; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

SB 129. By Senators McKoon of the 29th, Ligon, Jr. of the 3rd, Crane of the 28th, Bethel of the 54th, Harbin of the 16th and others:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the preservation of religious freedom; to provide for legislative findings; to provide for definitions; to provide for the granting of relief; to provide for a short title; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 133. By Senators Miller of the 49th, Tippins of the 37th, Jeffares of the 17th, Sims of the 12th, Beach of the 21st and others:

A BILL to be entitled an Act to amend Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the Education Coordinating Council, so as to provide for the establishment of the Opportunity School District; to provide for conforming amendments; to provide for related matters; to provide for contingent effectiveness; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SR 287. By Senators Miller of the 49th, Tippins of the 37th, Jeffares of the 17th, Sims of the 12th, Gooch of the 51st and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to allow the General Assembly to authorize the establishment of an Opportunity School District to provide for state intervention for failing schools; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Education.

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

Representatives Nimmer of the 178th, Dollar of the 45th, Bentley of the 139th, Wilkerson of the 38th, Brooks of the 55th, Thomas of the 56th, and Burns of the 159th et al.

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

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

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

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

Representatives Beverly of the 143rd, Kirby of the 114th, Mosby of the 83rd, and Rice of the 95th.

They wished to be recorded as present.

Pursuant to HR 549, the House commended the Third Infantry Division of the United States Army at Fort Stewart; recognized March 9, 2015, as Third Infantry Division Day at the state capitol; and invited 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.

Pursuant to HR 489, the House recognized and honored the members of the St. Patrick's Day Parade Committee, Chairman Kevin Halligan and the Grand Marshal of the 2015 St. Patrick's Day Parade, Hugh Coleman on the upcoming occasion of the 2015 St. Patrick's Day Parade in Savannah, Georgia, and invited them to be recognized by the House of Representatives.

Pursuant to HR 520, the House commended Tom Daniel for his many years of service to the State of Georgia; congratulated him upon the grand occasion of his retirement; and invited him 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 296. By Representatives Nix of the 69th, Clark of the 101st, Dudgeon of the 25th, Beskin of the 54th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Code Section 20-2-2114 of the Official Code of Georgia Annotated, relating to qualifications for the scholarship program for special needs students, so as to expand eligibility for the program to certain lawful refugees and asylees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-2-2114 of the Official Code of Georgia Annotated, relating to qualifications for the scholarship program for special needs students, so as to expand eligibility for the program to certain lawful refugees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 20-2-2114 of the Official Code of Georgia Annotated, relating to qualifications for the scholarship program for special needs students, is amended by revising subsection (a) as follows:

"(a) A student shall qualify for a scholarship under this article if:

(1) The student's parent currently resides within Georgia and has been a Georgia resident for at least one year; provided, however, that the one-year requirement shall not apply if the student is a lawful refugee as defined by Title I of the federal Immigration and Nationality Act;

(2) The student:

(A) Has ~~has~~ one or more of the following disabilities:

~~(A)~~(i) Autism;

~~(B)~~(ii) Deaf/blind;

~~(C)~~(iii) Deaf/hard of hearing;

~~(D)~~(iv) Emotional and behavioral disorder;

~~(E)~~(v) Intellectual disability;

~~(F)~~(vi) Orthopedic impairment;

~~(G)~~(vii) Other health impairment;

~~(H)~~(viii) Specific learning disability;

~~(I)~~(ix) Speech-language impairment;

~~(J)~~(x) Traumatic brain injury; or

~~(K)~~(xi) Visual impairment; or

(B) Is limited-English proficient as defined in 20 U.S.C. Section 7801 and is a lawful refugee as defined by Title I of the federal Immigration and Nationality Act;

(3) The student:

(A) Has ~~has~~ spent the prior school year in attendance at a Georgia public school and has had an Individualized Education Program written by the school in accordance with federal and state laws and regulations; provided, however, that the State Board of Education shall be authorized to require a local board of education to expedite the development of an Individualized Education Program and to waive the prior school year requirement contained in this paragraph, in its sole discretion, on a case-by-case basis for specific medical needs of the student upon the request of a parent or guardian in accordance with state board procedures. If an expedited Individualized Education Program is required by the state board pursuant to this paragraph, the state board may additionally require such expedited process to be completed prior to the beginning of the school year. The State Board of Education shall provide an annual report by December 31 of each year through December 31, 2015, regarding the number of waivers approved pursuant to this paragraph to the General Assembly; or

(B) Is a lawful refugee as defined by Title I of the federal Immigration and Nationality Act and the parent provides to the department:

(i) The student's valid I-94 documentation designating refugee status; and

(ii) Proof that the student resides in the resident school system;

(4) The parent obtains acceptance for admission of the student to a participating school; and

(5) The parent submits an application for a scholarship to the department no later than the deadline established by the department; provided, however, that the department shall provide application deadline opportunities on September 15, December 15, and February 15 of each school year for a student to transfer."

SECTION 2.

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

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

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

Y Abrams	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	N Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	N Spencer
N Barr	Y Dickerson	N 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	N Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	N Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	N 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	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
N Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y 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 155, nays 16.

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

HB 212. By Representatives Weldon of the 3rd, Cooper of the 43rd, Hawkins of the 27th, Broadrick of the 4th and Spencer of the 180th:

A BILL to be entitled an Act to amend Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services; 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 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, so as to revise a provision relating to the health care professionals who must be on-site at a pain management clinic in order for the clinic to provide medical treatment or services; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-34-283 of the Official Code of Georgia Annotated, relating to licensure requirements for pain management clinics, is amended by revising subsection (g) as follows:

"(g) No controlled substance shall be prescribed or dispensed in a pain management clinic shall provide medical treatment or services, as defined by the board, unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic. For purposes of this article, dispensing shall not include the administration of anesthesia pursuant to a physician's order."

SECTION 2.

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

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

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

Y Abrams	Y Coomer	Y 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	E 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
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	E 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	Y 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	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E 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
Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y 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 171, nays 0.

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

HB 385. By Representatives Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th and Coomer of the 14th:

A BILL to be entitled an Act to amend Code Section 31-33-3 of the Official Code of Georgia Annotated, relating to costs of copying and mailing and patient's rights as to records, so as to move responsibility for determining the annual cost adjustment for providing medical records from the Office of Planning and Budget to the Department of Community Health; 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	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	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	E 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 169, nays 0.

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

HB 110. By Representatives Roberts of the 155th, Turner of the 21st, McCall of the 33rd, Fleming of the 121st and LaRiccia of the 169th:

A BILL to be entitled an Act to amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, so as to provide for the sale of consumer fireworks; to provide for definitions; to provide for licensing; to revise penalties; to amend Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, so as to provide for an excise tax on the sale of consumer fireworks; to provide for criminal penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, so as to provide for the sale of consumer fireworks; to provide

for definitions; to provide for licensing; to revise penalties; to provide for enforcement of said chapter; to render certain devices unlawful that require a flame for propulsion or lighting; to amend Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, so as to provide for an excise tax on the sale of consumer fireworks; to provide for criminal penalties; 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 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, is amended by revising Code Section 25-10-1, relating to definitions, as follows:

"25-10-1.

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

(1) 'Consumer fireworks' means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1.

(2) 'Consumer fireworks retail sales facility' shall have the same meaning as provided for by NFPA 1124.

~~(4)~~(3) 'Fireworks' means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos, skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

(4) 'NFPA 1124' means the National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.

(5) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

(6) 'Permanent building' shall have the same meaning as provided for by NFPA 1124.

~~(2)~~(7) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, Code for Fireworks Display, as adopted by the Safety Fire Commissioner.

~~(3)~~(8) 'Pyrotechnics' means fireworks.

(9) 'Store' shall have the same meaning as provided for by NFPA 1124.

(10) 'Consumer fireworks retail sales stand' shall have the same meaning as provided for by NFPA 1124 and shall include a tent, canopy, or membrane structure.

(b) As used in this chapter, the term 'consumer fireworks' or 'fireworks' shall not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of ~~200~~ 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture."

SECTION 2.

Said chapter is further amended by revising Code Section 25-10-2, relating to prohibited fireworks activities, as follows:

"25-10-2.

(a) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess, manufacture, transport, or store any consumer fireworks or fireworks, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful for any person, firm, corporation, association, or partnership to sell ~~to any person under 18 years of age~~ consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

(2) It shall be unlawful to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person by any means other than an in-person, face-to-face sale. Such person shall provide proper identification to the seller at the time of such purchase. For purposes of this paragraph, the term 'proper identification' means any document issued by a governmental agency containing a description of the person; or such person's photograph, or both, and giving such person's date of birth and includes without being limited to; a passport, military identification card, driver's license, or ~~an~~ identification card authorized under Code Sections 40-5-100 through 40-5-104.

(3) It shall be unlawful to use consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors.

(4)(A) It shall be lawful for any person 18 years of age or older to use or explode or cause to be exploded or to possess, manufacture, transport, or store consumer fireworks.

(B) It shall be lawful for any person who is 16 or 17 years of age to possess consumer fireworks, provided that such person is serving as an assistant to a licensee licensed under subsection (e) of Code Section 25-10-5.1 or the nonprofit group of which such licensee is acting as an agent or bona fide representative.

(5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for sale at retail or wholesale any consumer fireworks, provided that such person first obtains a license from the Safety Fire Commissioner as provided for in Code Section 25-10-5.1.

(B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for sale at retail or wholesale any consumer fireworks, provided that such person is serving as an assistant to a licensee licensed under subsection (e) of Code Section 25-10-5.1 or the nonprofit group of which such licensee is acting as an agent or bona fide representative.

(6) It shall be lawful to sell consumer fireworks from a permanent building, store, or temporary consumer fireworks retail sales stand if such permanent building, store, or temporary consumer fireworks retail sales stand is in compliance with the requirements for such a permanent building, store, or temporary consumer fireworks retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124. It shall be unlawful to sell consumer fireworks from a motor vehicle or from a trailer towed by a motor vehicle.

(7) It shall be unlawful for any person to offer for sale any consumer fireworks from a temporary consumer fireworks retail sales stand unless such person in so doing is acting as an agent or bona fide representative of a nonprofit group or as an assistant to such agent or bona fide representative."

SECTION 3.

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

"25-10-5.1.

(a) The Safety Fire Commissioner shall only issue a license to sell consumer fireworks to an applicant who:

(1) Complies with all the requirements of this chapter;

(2) Has not been convicted of a violation of a felony involving consumer fireworks, fireworks, or explosives or has not been assessed a civil penalty pursuant to Code Section 48-13-132 within the five years preceding the date of his or her application; and

(3) Maintains at all times public liability and product liability insurance with minimum coverage limits of \$2 million to cover the losses, damages, or injuries that might ensue to persons or property as a result of the licensee selling consumer fireworks.

(b) The initial license fee for any person offering consumer fireworks for sale on behalf of himself or herself or a firm, corporation, association, or partnership from a permanent consumer fireworks retail sales facility shall be \$5,000.00 per year and location, payable to the Safety Fire Commissioner. Such initial license shall accrue to the benefit of the person offering consumer fireworks for sale at the permanent consumer fireworks retail sales facility location provided for by the license or, if on behalf of a firm, corporation, association, or partnership, to the benefit of such firm, corporation, association, or partnership at the permanent consumer fireworks retail sales facility location provided for by the license. Such initial license shall expire on January 31 of the year after such initial license was issued. After such initial license, such person on behalf of himself or herself or the firm, corporation, association, or partnership on whose behalf the initial license was issued, or another person on behalf of such firm, corporation, association, or partnership, may annually renew such initial license for \$1,000.00 per year, payable to the Safety Fire Commissioner. Such annual license shall expire on January 31 of each year.

(c) The license fee for a person offering consumer fireworks for sale from a temporary consumer fireworks retail sales stand as an agent or bona fide representative of a nonprofit group shall be \$200.00 per location, payable to the Safety Fire Commissioner, and shall expire 90 days after the issuance of such license. Such license shall accrue to the benefit of such nonprofit group offering consumer fireworks for sale at the temporary consumer fireworks retail sales stand location provided for by the license.

(d) The annual license fee for any person offering consumer fireworks for sale on behalf of himself or herself or a firm, corporation, association, or partnership from a store shall be \$100.00 per year and location, payable to the Safety Fire Commissioner. Such annual license shall accrue to the benefit of the person offering consumer fireworks for sale at the store location provided for by the license or, if on behalf of a firm, corporation, association, or partnership, to the benefit of such firm, corporation, association, or partnership at the store location provided for by the license. Such annual license shall expire on January 31 of each year.

(e) Any person issued a license under this Code section, whether on behalf of himself or herself or a firm, corporation, association, or partnership, may have assistants under his or her control conducting the sale of consumer fireworks, provided that such assistants are 16 years of age or older as provided for in Code Section 25-10-2."

SECTION 4.

Said chapter is further amended by revising Code Section 25-10-6, relating to fireworks manufactured, sold, or stored in violation of this chapter declared contraband and seizure and disposition, as follows:

"25-10-6.

The state fire marshal shall enforce the provisions of this chapter. All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this chapter are declared to be contraband and may be seized, taken, and removed, or caused to be

removed and destroyed at the expense of the owner thereof by the state fire marshal, ~~the Georgia State Patrol, or any sheriff or local police official.~~"

SECTION 5.

Said chapter is further amended by revising Code Section 25-10-9, relating to penalty for illegal sale of sparklers or other devices, as follows:

"25-10-9.

Notwithstanding any provision of this chapter to the contrary, any person, firm, corporation, association, or partnership ~~who or which~~ that knowingly violates ~~subsection (b) of Code Section 25-10-2~~ this chapter may be punished by a fine not to exceed ~~\$100.00~~ \$2,500.00. Each sales transaction in violation of ~~subsection (b) of Code Section 25-10-2~~ this chapter shall be a separate offense."

SECTION 6.

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

"25-10-10.

It shall be unlawful for any person, firm, corporation, association, or partnership to release or cause to be released any balloon, bag, parachute, or other similar device which requires fire underneath for propulsion or to release or cause to be released any floating water lantern or wish lantern which uses a flame to create a lighting effect in any public waterway, lake, pond, stream, or river."

SECTION 7.

Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, is amended by adding a new article to read as follows:

"ARTICLE 7

48-13-130.

As used in this article, the term:

(1) 'Consumer fireworks' shall have the same meaning as provided for in Code Section 25-10-1.

(2) 'Seller' means the person who is issued a license pursuant to Code Section 25-10-5.1.

48-13-131.

(a) An excise tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale of consumer fireworks and any items provided for in paragraph (2) of subsection (b) of Code Section 25-10-1 in this state at a rate of 5 percent per item sold.

(b) The excise tax imposed by this article shall be paid by the seller and due and payable in the same manner as would be otherwise required under Article 1 of Chapter 8 of this title.

48-13-132.

A seller who knowingly and willfully violates the requirements of this article shall be assessed a civil penalty of not more than \$10,000.00 in addition to the amount of tax due.

48-13-133.

The department is authorized to adopt rules and regulations necessary for the enforcement and implementation of the provisions of this Code section."

SECTION 8.

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

The following amendment was read and adopted:

Representative Hamilton of the 24th offers the following amendment:

Amend the House Committee on Regulated Industries substitute to HB 110 (LC 36 2743S) by inserting after "lightning;" on line 4 the following:

to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties and municipal corporations, so as to allow for local governments to further regulate or prohibit the sale of consumer fireworks from a temporary consumer fireworks retail sales stand;

*By deleting line 44 and inserting in lieu thereof the following:
by NFPA 1124.*

By deleting line 101 and inserting in lieu thereof the following:

to sell consumer fireworks from any tent, canopy, membrane structure, or motor vehicle or from a trailer towed by a motor

By deleting lines 103 through 106 and inserting in lieu thereof the following:

(7)(A) It shall be unlawful for any person to offer for sale any consumer fireworks from a temporary consumer fireworks retail sales stand unless such person in so doing is acting as an agent or bona fide representative of a nonprofit group or as an assistant to such agent or bona fide representative.

(B) It shall be unlawful for a nonprofit group or any agent or bona fide representative of a nonprofit group to lend the name of the nonprofit group or allow the identity of the nonprofit group to be used in the operation or advertising of a temporary consumer fireworks retail sales stand for which such nonprofit group is not directly participating in operating.

(C) It shall be unlawful for any person other than a nonprofit group to benefit financially from the sales of consumer fireworks in a temporary consumer fireworks retail sales stand. No profits, revenues, or other financial benefits shall accrue to

any person other than a nonprofit group from the sales of consumer fireworks in any temporary consumer fireworks retail sales stand."

By adding after the period at the end of line 138 the following:

The Safety Fire Commissioner shall issue no more than two licenses per county per calendar year for the sale of consumer fireworks from a temporary consumer fireworks retail sales stand. No license for the sale of consumer fireworks from a temporary consumer fireworks retail sales stand shall be issued for a location if such location is within a county or municipal corporation that has prohibited sales from temporary consumer fireworks retail sales stands pursuant to Code Section 36-60-24.

By inserting between lines 177 and 178 the following:

SECTION 6A.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties and municipal corporations, is amended by adding a new subsection and revising subsection (c) of Code Section 36-60-24, relating to the sale of products or services, as follows:

"(c) Notwithstanding subsections (a) and (b) of this Code section, the governing authority of a county or municipal corporation may further regulate or prohibit the sale of consumer fireworks from a temporary consumer fireworks retail sales stand. For purposes of this subsection, the terms 'consumer fireworks' and 'consumer fireworks retail sales stand' shall have the same meanings as provided in Code Section 25-10-1.

(e)(d) Any ordinance enacted before, on, or after July 1, 2006, by a county or municipal corporation in violation of this Code section is void."

The Committee substitute, as amended, was adopted.

Pursuant to Rule 133, Representative Sharper of the 177th was excused from voting on HB 110.

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

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

N Abrams	Y Coomer	Y Harbin	N Meadows	Y Smith, E
N Alexander	N Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	N Smith, M
N Anderson	E Dawkins-Haigler	Y Hatchett	N Mosby	N Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	N Henson	Y Nix	Y Spencer
Y Barr	Dickerson	Y Hightower	N Oliver	Y Stephens, M
Y Battles	Y Dickey	N Hitchens	Y O'Neal	Y Stephens, R

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

On the passage of the Bill, by substitute, as amended, the ayes were 119, nays 49.

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

HB 397. By Representatives Knight of the 130th, Roberts of the 155th, Houston of the 170th, Nimmer of the 178th, McCall of the 33rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil and water conservation districts, so as to revise provisions relating to the State Soil and Water Conservation Commission; to provide for administrative attachment; to provide for appointment to the commission; to remove authority related to eminent domain; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and sedimentation control, so as to provide for erosion manual publication oversight; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil and water conservation districts, so as to revise provisions relating to the State Soil and Water Conservation Commission; to provide for administrative attachment; to provide for appointment to the commission; to remove authority related to eminent domain; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and sedimentation control, so as to provide for erosion manual publication oversight; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil and water conservation districts, is amended by revising Code Section 2-6-23, relating to establishment of the State Soil and Water Conservation Commission, as follows:

"2-6-23.

(a) There is established, to serve as an agency of the state and to perform the functions conferred upon it in this article, the State Soil and Water Conservation Commission. The commission shall be assigned to the Department of Agriculture for administrative purposes only, as prescribed in Code Section 50-4-3.

~~(b) Five district soil and water conservation supervisors, who shall be appointed by the Governor as provided in this Code section, shall serve as members of the commission. Commencing with appointments for the year 1977, the Governor shall appoint to the commission one supervisor from each of the five Georgia Association of Conservation District Supervisors' groups.~~ Commencing with appointments for the year 2015, the Governor shall appoint one at-large member from each of the five soil and water conservation district regions to serve on the commission. Such initial appointments ~~were~~ shall be for terms of office of one, two, three, four, and five years, respectively. Thereafter, successors shall be appointed for terms of office of five years and until their successors are duly appointed.

(c) The following persons shall serve ex officio in an advisory capacity to the State Soil and Water Conservation Commission:

- (1) The director of the Cooperative Extension Service;
- (2) The commissioner of natural resources;
- (3) The director of experiment stations of the College of Agricultural and Environmental Sciences of the University of Georgia;
- (4) The executive director of the Agricultural Stabilization Conservation Service;
- (5) The Georgia state director of the Farmer's Home Administration;
- (6) The director of the Southern Piedmont Conservation Research Center;

- (7) The president of the Georgia Association of Conservation District Supervisors;
 - (8) The director of the State Forestry Commission;
 - (9) The Georgia supervisor of national forests of the U.S. Forestry Service;
 - (10) The state conservationist of the U.S. Soil Conservation Service;
 - (11) The dean of the College of Agricultural and Environmental Sciences of the University of Georgia;
 - (12) The state supervisor of agricultural education in this state;
 - (13) The Commissioner of Agriculture; and
 - (14) Such other representatives of state or federal agencies as the commission deems desirable.
- (d) The commission shall adopt a seal, which shall be judicially noticed. It may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this article."

SECTION 2.

Said article is further amended by revising Code Section 2-6-27, relating to additional duties and powers of the commission, as follows:

"2-6-27.

In addition to the duties and powers otherwise conferred upon the commission, it shall have the following duties and powers:

- (1) To offer such assistance as may be appropriate to the supervisors of the soil and water conservation districts in the carrying out of any of their powers and programs;
- (2) To keep the supervisors of each of the districts informed of the activities and experiences of all the other districts and to facilitate an interchange of advice, experience, and cooperation between such districts;
- (3) To coordinate the programs of the districts so far as this may be done by advice and consultation;
- (4) To secure the cooperation and assistance of the United States and any of its agencies and of the agencies and counties of this state in the work of such districts;
- (5) To disseminate information throughout this state concerning the activities and programs of the districts and to encourage the formation of such districts in areas where their organization is desirable;
- (6) To receive gifts, appropriations, materials, equipment, land, and facilities and to manage, operate, and disperse the same;
- (7) To formulate such rules and regulations, to exercise such powers, and to perform such duties as are necessary to implement the administration of the federal Watershed Protection and Flood Prevention Act;
- (7.1) To formulate such rules and regulations in consultation with the Environmental Protection Division of the Department of Natural Resources, to exercise such powers, and to perform such duties as are necessary to implement the administration of the education and training program established under Code Section 12-7-19;

(7.2) To formulate such rules and regulations and to exercise such powers as are necessary to perform its duties under subsection (m.1) of Code Section 12-5-31 and subsection (b.1) of Code Section 12-5-105;

(8) To enter into contracts and agreements with the districts, municipalities, and counties of this state, other agencies of this state, the United States and any agencies thereof, any association, any landowner or land occupier, or any person in order to carry out the purposes of this article; and

(9) To receive grants from any agency of the United States government or any agency of this state, and to make grants to districts, municipalities, or counties in this state, or other state agencies in order to:

(A) Fund up to 20 percent of the cost of obtaining permits for and constructing improvements to any dam that was originally constructed or financially assisted by the Natural Resources Conservation Service, formerly known as the Soil Conservation Service, of the United States Department of Agriculture; or

~~(B) Fund up to 40 percent of the cost of obtaining a permit under Section 404 of the federal Clean Water Act, 33 U.S.C. Section 1344, for the construction of any new public water supply reservoir. In awarding any grants under this subparagraph, the commission shall consider regional effects and water supply yield of the proposed reservoir, anticipated population growth, and local government funding commitment; or~~

~~(C) Carry out other purposes of this article."~~

SECTION 3.

Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and sedimentation control, is amended in Code Section 12-7-3, relating to definitions, by redesignating paragraph (10.1) as paragraph (10.2) and by adding a new paragraph to read as follows:

"(10.1) 'Manual for Erosion and Sediment Control in Georgia' or 'manual' means the published guidance of the commission governing the design and practices to be utilized in the protection of this state's natural resources from erosion and sedimentation which shall be based foremost upon sound engineering principles and repeatable bench and field testing of structural and vegetative best management practices and which shall have the annual approval of the Erosion and Sediment Control Overview Council established pursuant to Code Section 12-7-7.1."

SECTION 4.

Said chapter is further amended in Code Section 12-7-7.1, relating to erosion and sediment control plan preparation, completion, and implementation, by revising subsection (f) as follows:

"(f)(1) There shall be an Erosion and Sediment Control Overview Council which shall approve the Manual for Erosion and Sediment Control in Georgia prior to publication by the commission. In addition, the council shall provide guidance on the best management practices for implementing any erosion and sediment control plan

for purposes of this Code section. The council shall be composed of nine members, including one member of the House of Representatives who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure thereof; one member of the Senate who shall be appointed by the Lieutenant Governor and serve at the pleasure thereof; and seven members who shall be appointed by the Governor and serve at the pleasure thereof, including one employee each from the Department of Transportation, the Environmental Protection Division of the Department of Natural Resources, and the ~~Georgia Regional Transportation~~ State Road and Tollway Authority, a professional engineer licensed to practice in this state from a private engineering consulting firm practicing environmental engineering, two representatives of the highway contracting industry certified by the Department of Transportation, and a chairperson. The council shall meet prior to December 1, 2015, to approve the most current version of the manual and at all other times as necessary to approve any subsequent changes or updates to the manual prior to its implementation. Such meetings shall be held at the call of the chairperson. Each councilmember shall receive a daily allowance in the amount specified in subsection (b) of Code Section 45-7-21; provided, however, that any full-time state employee serving on the council shall draw no compensation but shall receive necessary expenses. The commissioner is authorized to pay such compensation and expenses from department funds.

(2) The council may develop recommendations governing the preparation of plans and the installation and maintenance of best management practices. If a dispute concerning the requirements of this Code section should arise, the Erosion and Sediment Control Overview Council shall mediate the dispute."

SECTION 5.

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

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	Y Smith, L
N Allison	Y Corbett	Y Harrell	Morris	Y Smith, M
Y Anderson	E 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	N 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	N Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	E 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	N Epps	Y Jordan	Y Rakestraw	N Trammell
N Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	N 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	Y Weldon
Y Carson	N Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	N 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	Williamson
Y Coleman	Y Greene	Y 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 156, nays 12.

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

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

HB 502. By Representatives Dudgeon of the 25th, Coleman of the 97th, Clark of the 101st, Dickson of the 6th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

AFTERNOON SESSION

The Speaker called the House to order.

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

HR 602. By Representatives Coleman of the 97th, Nix of the 69th, Holmes of the 129th, Ralston of the 7th, Burns of the 159th and others:

A RESOLUTION honoring the life and memory of C. Glenn Hartley and inviting his wife and children to be recognized by the House of Representatives; and for other purposes

HR 603. By Representatives Harden of the 148th, McCall of the 33rd, Epps of the 144th, Dickey of the 140th, Jasperse of the 11th and others:

A RESOLUTION congratulating Christopher and Ginger Martin upon being honored with the 2015 National Outstanding Young Farmer award and inviting them, their two children, Grantson and Wellsley, and Mark Freeman to be recognized by the House of Representatives; and for other purposes.

HR 604. By Representatives Willard of the 51st, Wilkinson of the 52nd, Jacobs of the 80th and Dollar of the 45th:

A RESOLUTION congratulating and commending Boy Scout Troop 463 of Sandy Springs, Georgia, on its 50th anniversary and inviting members of the troop to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 605. By Representatives Smyre of the 135th, Hugley of the 136th, Smith of the 134th, Buckner of the 137th, Pezold of the 133rd and others:

A RESOLUTION commending Gamma Psi Boule, a chapter of Sigma Pi Phi Fraternity, and recognizing March 11, 2015, as Gamma Psi Boule Recognition Day at the state capitol; and for other purposes.

HR 606. By Representative Cheokas of the 138th:

A RESOLUTION recognizing and commending Ms. Laurene Guthas for her outstanding contributions to public education in the State of Georgia; and for other purposes.

HR 607. By Representatives Smith of the 70th, Geisinger of the 48th, Martin of the 49th, Parsons of the 44th, Stephens of the 164th and others:

A RESOLUTION recognizing and commending the Consulate General of Canada in Atlanta, members of the Legislative Assembly from the Province of Saskatchewan, SaskPower, the Petroleum Technology Research Centre, and the Southern States Energy Board; and for other purposes.

HR 608. By Representative Cheokas of the 138th:

A RESOLUTION recognizing and commending Ms. Connie Gurley, RN, extraordinary nurse and outstanding Georgia citizen; and for other purposes.

HR 609. By Representatives Anderson of the 92nd, Chandler of the 105th, Randall of the 142nd, Hugley of the 136th, Beskin of the 54th and others:

A RESOLUTION commending the Georgia Legislative Women's Caucus Servant Leadership Award recipients and recognizing March as Women's History Month 2015 at the state capitol; and for other purposes.

HR 610. By Representatives Jordan of the 77th, Brooks of the 55th, Dickey of the 140th, Randall of the 142nd, Beverly of the 143rd and others:

A RESOLUTION recognizing and commending Bethel AME Church on the occasion of its 145th anniversary; and for other purposes.

HR 611. By Representative Reeves of the 34th:

A RESOLUTION commending Kennesaw Mountain High School's Justan Rivera for winning the Class AAAAAA Wrestling State Championship; 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 353. By Representative Rogers of the 29th:

A BILL to be entitled an Act to amend Part 1A of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to nonpublic postsecondary educational institutions; to amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Administrative Procedure Act, so as to exempt the commission from the Georgia Administrative Procedure Act; 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 Part 1A of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to nonpublic postsecondary educational institutions, so as to revise definitions relative to said part; to revise provisions relating to educational institutions exempted from application of said part; to change the membership and rules of the Nonpublic Postsecondary Education Commission; to revise terminology; to revise procedures concerning applications to operate or conduct postsecondary activities; to revise surety bond requirements; to change provisions regarding the filing of a complaint against institutions or agents; to revise procedures for hearings and review by the commission; to revise provisions applicable to the Tuition Guaranty Trust Fund; to allow for the provision of consumer information to prospective and currently enrolled students; to amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Administrative Procedure Act, so as to exempt the commission from the Georgia Administrative Procedure Act; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1A of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to nonpublic postsecondary educational institutions, is amended in Code Section 20-3-250.2, relating to definitions, by revising paragraphs (11.1), (16), and (26), as follows:

"(11.1) 'Gross tuition' means the total amount collected by a postsecondary educational institution during the most recently completed 12 month fiscal year, reduced only by the amount of refunds paid during the fiscal year, for tuition, application fees, registration fees, and those other fees deemed appropriate by rule or regulation of the commission; provided, however, that for a postsecondary educational institution located outside of this state which is authorized only for the

purpose of advertising and recruiting in this state, or is authorized only for the purpose of offering instruction by correspondence or any telecommunications or electronic media technology, or a combination of these purposes, 'gross tuition' means only the amount of such tuition and fees collected from residents of this state while such residents reside in this state."

"(16) 'Postsecondary degree' means a credential conferring on the recipient thereof the title of 'Associate,' 'Bachelor,' 'Master,' 'Specialist,' or 'Doctor,' or an equivalent title, signifying educational attainment based on:

(A) Study;

(B) A substitute for study in the form of equivalent experience or achievement testing; or

(C) A combination of the foregoing, provided that 'postsecondary degree' shall not include any honorary degree or other so-called 'unearned' degree."

"(26) 'To operate' an educational institution, or like term, means to establish, keep, or maintain any facility or location in this state where, from which, or through which education is offered or given or educational credentials are offered or granted and includes contracting with any person, group, or entity to perform any such act and to conduct postsecondary activities within this state or from a location outside of this state by correspondence or by any telecommunications or electronic media technology, provided that such educational institution specifically recruits persons located within this state or has a physical presence within this state."

SECTION 2.

Said part is further amended in Code Section 20-3-250.3, relating to educational institutions exempted from application of part, by revising subsection (a) as follows:

"(a) The following education and postsecondary educational institutions are exempted from this part except as expressly provided to the contrary:

(1) Institutions exclusively offering instruction at any or all levels from preschool through the twelfth grade regardless of the age of the student;

(2) Education sponsored by a bona fide trade, business, professional, or fraternal organization, so recognized by the commission, solely for that organization's membership or offered on a no-fee basis, not granting degrees;

(3) Education solely avocational or recreational in nature, as determined by the commission, and institutions, not granting degrees, offering such education exclusively;

(4) Postsecondary educational institutions established, operated, ~~and~~ governed, or licensed by this state, its agencies, or its political subdivisions, as determined by the commission;

(5) Any flight school which holds an applicable federal air agency certificate issued by the administrator of the Federal Aviation Administration;

(6) Nonpublic, nonprofit, postsecondary educational institutions which demonstrate annually to the satisfaction of the commission that their purposes are solely to provide programs of study in theology, divinity, religious education, and ministerial training,

and that they do not grant postsecondary degrees of a nonreligious nature and that such institutions:

(A) Accept no federal or state funds; and

(B) Accept no student who has a federal or state education loan to attend such institutions;

(7) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, nonpublic law schools not accredited by the American Bar Association which are subject to the regulations and standards established by the Georgia Supreme Court for such schools;

(8) Nonpublic postsecondary educational institutions conducting postsecondary activity on the premises of military installations located in this state which are solely for military personnel stationed on active duty at such military installations, their dependents, or Department of Defense employees and other civilian employees of that installation;

(9) A school where the sole purpose of the instructional program is review or preparation for a specific occupational examination recognized by a government agency or bona fide trade, business, or fraternal organization and where the student's occupational training received from another school already makes the student eligible to sit for the examination;

(10) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, any nonpublic, nonprofit college or university granting baccalaureate degrees whose principal office and campus are located in this state and its related graduate and professional programs, which have been in existence ten or more years as a nonpublic, nonprofit college or university prior to July 1, 1989, and is accredited by a national or regional accrediting agency recognized by the United States Department of Education; provided, however, that such nonpublic, nonprofit college or university shall be subject to the provisions of Code Section 20-3-250.14 for the purposes of satisfying the requirements of 34 C.F.R. Section 668.43(b) and shall designate the commission as the recipient of complaints from students of such nonpublic, nonprofit college or university as a prerequisite for such nonpublic, nonprofit college's or university's acceptance of federal student financial aid funds; and provided, further, that the designation provided for under this paragraph shall be provided solely to the extent necessary for institutional compliance of such nonpublic, nonprofit college or university with the laws and regulations governing federal student financial aid and shall not affect, rescind, or supersede any preexisting authorizations, charters, or recognition;

~~(11) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, any nonpublic institute of paper science and technology offering graduate degrees and which is allied with a public research university and accredited by a national or regional accrediting agency recognized by the United States Department of Education;~~

~~(12)~~(11) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, any liberal arts college or university whose principal office and campus are located in

this state and its related graduate and professional programs, if any, which was chartered prior to 1955 as a nonpublic, nonprofit, degree-granting institution, provided that it is accredited by a regional or national accrediting agency recognized by the United States Department of Education; and provided, further, that such liberal arts college or university shall be subject to the provisions of Code Section 20-3-250.14 for the purposes of satisfying the requirements of 34 C.F.R. Section 668.43(b) and shall designate the commission as the recipient of complaints from students of such liberal arts college or university as a prerequisite for such liberal arts college's or university's acceptance of federal financial aid funds; and provided, further, that the designation provided for under this paragraph shall be provided solely to the extent necessary for institutional compliance of such liberal arts college or university with the laws and regulations governing federal student financial aid and shall not affect, rescind, or supersede any preexisting authorizations, charters, or recognition;

~~(13)~~(12) Any institution offering only education or training in income tax theory or income tax return preparation when the total contract price for such education or training does not exceed ~~\$400.00~~ \$1,000.00, provided that the total charges incurred by any student for all instruction, other than instruction which is solely avocational or recreational in nature as provided in paragraph (3) of this subsection, do not exceed ~~\$400.00~~ \$1,000.00 in any one calendar year;

~~(14)~~(13) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, any nonpublic medical school accredited by the Liaison Committee on Medical Education and a national or regional accrediting agency recognized by the United States Department of Education; and

~~(15)~~(14) Any college or university that confers both associate and baccalaureate or higher degrees, that is accredited by the Southern Association of Colleges and Schools, College Division, that is operated in a proprietary status, that provides a \$200,000.00 surety bond, and that contributes to the Tuition Guaranty Trust Fund pursuant to Code Section 20-3-250.27; provided, however, that such college or university shall be subject to the provisions of Code Section 20-3-250.14 for the purposes of satisfying the requirements of 34 C.F.R. Section 668.43(b) and shall designate the commission as the recipient of complaints from students of such college or university as a prerequisite for such college's or university's acceptance of federal student financial aid funds; and provided, further, that the designation provided for under this paragraph shall be provided solely to the extent necessary for institutional compliance of such college or university with the laws and regulations governing federal student financial aid and shall not affect, rescind, or supersede any preexisting authorizations, charters, or recognition."

SECTION 3.

Said part is further amended in Code Section 20-3-250.4, relating to the Nonpublic Postsecondary Education Commission and membership, by revising subsections (a), (e), and (g) as follows:

"(a) There is established the Nonpublic Postsecondary Education Commission consisting of ~~14~~ 15 members who shall be appointed by the Governor and confirmed by the Senate. One member shall be appointed from each congressional district and the remaining ~~members~~ member shall be appointed as an at-large ~~members~~ member. ~~The first members appointed to the commission shall be appointed for terms of office beginning July 1, 1991, with four of those members to serve initial terms of one year each, four of those members to serve initial terms of two years each, and four of those members to serve initial terms of three years each. The initial terms of office shall be specified in the appointment. After these initial terms, members~~ Members serving a term of appointment on January 1, 2015, shall complete their terms of appointment, thereafter members of the commission shall be appointed for terms of three years each. Each member shall serve for the term of office to which the person is appointed and until a successor is appointed, confirmed, and qualified. Members may be appointed to succeed themselves but shall not serve for more than two full consecutive terms."

"(e) The commission shall meet at least quarterly on the call of the chairperson or upon the written petition of ~~at least seven members~~ a majority of the commission."

"(g) A majority of the currently appointed commission shall constitute a quorum for the conduct of business, ~~but not less than seven voting members must concur in order for the commission to take official action.~~"

SECTION 4.

Said part is further amended in Code Section 20-3-250.5, relating to the administration of the Nonpublic Postsecondary Education Commission and general powers and duties, by revising subsection (d) as follows:

"(d) The commission shall establish separate ~~divisions~~ listings for degree-granting institutions and nondegree-granting institutions. All standards, rules, regulations, and policies adopted by the commission pursuant to this part shall identify the ~~division~~ listings to which such standards, rules, regulations, and policies are applicable."

SECTION 5.

Said part is further amended in Code Section 20-3-250.8, relating to applications to operate or conduct postsecondary activities, by revising subsection (f) as follows:

"(f) The authorization to operate shall be issued to the owner or governing body of the applicant institution and shall be nontransferable. In the event of a change in ownership of the institution, a new owner or governing body ~~must,~~ shall within ten days after the change in ownership, ~~apply~~ notify the commission in writing and shall within 30 days after the change in ownership make application to the commission for a new authorization to operate; and in the event of failure to do so, the institution's authorization to operate shall terminate. Application for a new authorization to operate by reason of change in ownership of the institution shall, for purposes of subsection (b) of Code Section 20-3-250.12, be deemed an application for renewal of the institution's authorization to operate."

SECTION 6.

Said part is further amended in Code Section 20-3-250.10, relating to filing of surety bond by institutions and agents, by revising subsections (b) and (f) as follows:

"(b)(1) ~~The Except as otherwise provided in paragraph (2) of this subsection, the~~ minimum amount of the bond required by subsection (a) of this Code section shall be based on the gross tuition of the nonpublic postsecondary educational institution during the previous year or on the estimated gross tuition for the current year, whichever is larger, and shall be as follows:

<u>Gross Tuition</u>	<u>Minimum Bond</u>
\$ 0.00 - \$ 50,000.00	\$ 20,000.00
50,001.00 - 100,000.00	30,000.00
100,001.00 - 200,000.00	50,000.00
200,001.00 - 300,000.00	75,000.00
300,001.00 - 400,000.00	100,000.00
400,001.00 - 500,000.00	150,000.00
500,001.00 and over	200,000.00

For situations where a nonpublic postsecondary educational institution is unable to secure a bond amount provided for by this subsection, a bank standby letter of credit secured from a federally insured financial institution shall be accepted pursuant to rules and regulations of the commission.

~~(2) As an alternative to the amount of the bond determined under paragraph (1) of this subsection, the nonpublic postsecondary educational institution shall have the option of filing a bond in an amount equal to the total income collected by the institution during the previous fiscal year or the estimated total income for the current year, whichever is larger; provided, however, the amount so determined shall be rounded off to the next highest \$1,000.00."~~

~~"(f) In lieu of the surety bond provided for in subsections (a) and (b) of this Code section, the commission by rule or regulation may authorize the executive director to accept a property bond when a principal of the nonpublic postsecondary educational institution owns property within the State of Georgia with sufficient equity therein to satisfy the requirements of subsection (b) of this Code section."~~

SECTION 7.

Said part is further amended in Code Section 20-3-250.14, relating to filing complaints against institutions or agents, as follows:

"20-3-250.14.

(a) Any person claiming damage or loss as a result of any act or practice by a nonpublic postsecondary educational institution or its agent, or both, which is a

violation of this part or of the rules and regulations promulgated pursuant thereto may file with the executive director a ~~verified~~ complaint against such institution or against its agent, or both. A complaint shall be filed with the executive director within a reasonable period of time, as determined by regulations of the commission, after the event giving rise to the complaint. The complaint shall set forth the alleged violation and shall contain such other information as may be required by the commission. A complaint may also be filed with the executive director by the commission's representatives or by the Attorney General. A complainant may also file with the executive director as a representative of a class of complainants.

(b) The executive director shall investigate any such complaint and may, at his or her discretion, attempt to effectuate a settlement by persuasion and conciliation. The executive director ~~may~~ shall consider a complaint pursuant to rules, regulations, and procedures promulgated by the commission. ~~after ten days' written notice sent by registered or certified mail or statutory overnight delivery, return receipt requested, to such institution or to such agent, or both, as appropriate, giving notice of a time and place for hearing thereon. Such hearing shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~

(c) If, based upon all the evidence at a hearing or other procedure, the executive director shall find that a nonpublic postsecondary educational institution or its agent, or both, have engaged in or are engaging in any act or practice which violates this part or the rules and regulations promulgated pursuant thereto, the executive director shall issue and cause to be served upon such institution or agent, or both, an order requiring such institution or agent, or both, to cease and desist from such act or practice. Additionally, if the executive director shall find that the complainant or class of complainants has suffered loss or damage as a result of such act or practice, the executive director may, at his or her discretion, award the complainant or class of complainants full or partial restitution for such damage or loss and may impose the penalties provided for in Code Section 20-3-250.21. The executive director may also, as appropriate, based on his or her own investigation or the evidence adduced at such hearing or on the basis of such investigation and evidence, commence an action to revoke an institution's authorization to operate or revoke an agent's permit."

SECTION 8.

Said part is further amended in Code Section 20-3-250.15, relating to hearing and review by commission of denial of permit, by revising subsections (c) and (d) as follows:

"(c) Upon receiving such notice from the aggrieved party, the executive director, after consultation with the commission, shall within 30 days fix the time and place for a hearing by the commission ~~within 30 days~~ and shall notify the aggrieved party thereof.

(d) At such hearing the party may employ counsel, shall have the right to hear the evidence upon which the action is based, and may present evidence in opposition or in extenuation. The commission as a whole may conduct such hearing and render a decision or the commission may appoint a hearing officer to conduct such hearing and render a decision on behalf of the commission. Such hearing officer may be a member

of the commission or any other person, other than the executive director or his or her staff, as designated by the commission. The commission by rules and regulations shall provide for the rules of evidence and order and procedure which is to be followed for such hearings. Any member of the commission may participate in such hearing pursuant to this part except where a clear conflict of interest may be designated. The hearing shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Any member of the commission may preside except where a clear conflict of interest may be demonstrated."

SECTION 9.

Said part is further amended in Code Section 20-3-250.27, relating to the Tuition Guaranty Trust Fund, by revising subsection (a), paragraph (3) of subsection (d), and subsection (e) as follows:

"(a) It is the purpose of this Code section to create a trust fund from participation fees from postsecondary educational institutions to enable such institutions, collectively, to protect students against financial loss when a postsecondary educational institution closes without reimbursing its students and without completing its educational obligations to its students and to provide consumer information, as necessary in the determination of the commission, to prospective and currently enrolled students."

"(3) If earnings from investments, participation fees required under paragraph (2) of this subsection, and claims experience ever cause the balance in the fund to exceed ~~\$5,025,000.00~~ \$7,750,000.00, the commission, upon being notified by the board of trustees, shall make refunds to postsecondary educational institutions which have participated in the fund for at least five years, so that the fund balance is reduced to ~~\$5~~ \$7.5 million. Any such refund shall be determined by the commission in proportion to the total participation fees paid by a postsecondary educational institution until the time of the refund; provided, however, no reimbursement shall be made to any postsecondary educational institution whose students have been reimbursed from the fund or from bond forfeiture as provided in subsection (g) of this Code section. The commission shall establish by regulation the time and other procedures and requirements for making any such refund, but refunds shall be issued no more than once during a fiscal year."

"(e) The annual cost incurred by the commission and by the board of trustees in administering the Tuition Guaranty Trust Fund and providing consumer information as necessary for prospective and currently enrolled students, including expenses incurred in collecting from defaulting postsecondary educational institutions the amounts paid from the fund to or on behalf of students pursuant to the provisions of subsection (g) of this Code section, shall be paid from the fund; provided, however, such annual administrative costs shall not exceed 2.5 percent of the ~~participation fees collected from postsecondary educational institutions~~ fund during the fiscal year. The commission shall issue a report annually to each postsecondary educational institution participating in the fund. The report shall provide an evaluation of the financial condition of the

fund and a summary of claims paid or other expenditures from the fund during the immediately preceding fiscal year."

SECTION 10.

Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Administrative Procedure Act, is amended in Code Section 50-13-2, relating to definitions, by revising paragraph (1) as follows:

"(1) 'Agency' means each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections and its penal institutions; the State Board of Workers' Compensation; all public authorities except as otherwise expressly provided by law; the State Personnel Board; the Department of Administrative Services or commissioner of administrative services; the Technical College System of Georgia; the Nonpublic Postsecondary Education Commission; the Department of Labor when conducting hearings related to unemployment benefits or overpayments of unemployment benefits; the Department of Revenue when conducting hearings relating to alcoholic beverages, tobacco, or bona fide coin operated amusement machines or any violations relating thereto; the Georgia Tobacco Community Development Board; the Georgia Higher Education Savings Plan; any school, college, hospital, or other such educational, eleemosynary, or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state. The term 'agency' shall include the State Board of Education and Department of Education, subject to the following qualifications:

(A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid rules adopted by the State Board of Education and Department of Education prior to January 1, 1990, are ratified and validated and shall be effective until January 1, 1991, whether or not such rules were adopted in compliance with the requirements of this chapter; and

(B) Effective January 1, 1991, any rule of the State Board of Education or Department of Education which has not been proposed, submitted, and adopted in accordance with the requirements of this chapter shall be void and of no effect."

SECTION 11.

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	Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Harrell	Morris	Smith, M
Anderson	E Dawkins-Haigler	Y Hatcher	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	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	Stephenson
Bell	Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Bennett	E 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	Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruet	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y 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	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E 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	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 0.

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

HB 386. By Representatives Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th and Coomer of the 14th:

A BILL to be entitled an Act to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to repeal Chapter 12, relating to the Georgia Coordinating Committee for Rural and Human Services Transportation; 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	Morris	Smith, M
Anderson	E Dawkins-Haigler	Y Hatcher	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	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	Stephenson
Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Bennett	E 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y 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	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E 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	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 157, nays 0.

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

HB 492. By Representatives Jasperse of the 11th, Powell of the 32nd, Meadows of the 5th, Hightower of the 68th, Ballinger of the 23rd and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and

safety, so as to revise provisions regarding carrying in unauthorized locations; to amend Article 4 of Chapter 18 of Title 50, relating to the inspection of public records, so as to provide for the disclosure of records relating to licensing and possession of firearms between the judges of the probate court; 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 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to revise provisions regarding carrying in unauthorized locations; to clarify exemptions from weapons carry laws; to provide for a renewal period; to revise definitions; to revise persons to whom no weapons carry license shall be issued; to revise procedures in the renewal of a license; to revise procedures regarding the revocation, loss, or damage to a license; to clarify criteria for the verification of a weapons carry license; to revise provisions regarding preemption of local regulation and lawsuits; to amend Article 4 of Chapter 18 of Title 50, relating to the inspection of public records, so as to provide for the disclosure of records relating to licensing and possession of firearms between the judges of the probate court; 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 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, is amended in Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, license requirements, and exceptions for homes, motor vehicles, private property, and other locations and conditions, by adding a new subsection to read as follows:

"(j) Nothing in this Code section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under Code Section 16-11-130."

SECTION 2.

Said chapter is further amended in Code Section 16-11-127, relating to carrying weapons in unauthorized locations, by revising paragraphs (1) and (7) of subsection (b) and by adding a new subsection to read as follows:

"(1) In a government building as a nonlicense holder;"

"(7) Within 150 feet of any polling place when elections are being conducted and such polling place is being used as a polling place as provided for in paragraph (27) of Code Section 21-2-2, except as provided in subsection (i) of Code Section 21-2-413."

"(f) Nothing in this Code section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under Code Section 16-11-130."

SECTION 3.

Said chapter is further amended in Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, by adding a new subsection to read as follows:

"(h) Nothing in this Code section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under Code Section 16-11-130."

SECTION 4.

Said chapter is further amended in Code Section 16-11-127.2, relating to weapons on premises of a nuclear power facility, by adding a new subsection to read as follows:

"(d) Nothing in this Code section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under Code Section 16-11-130."

SECTION 5.

Said chapter is further amended in Code Section 16-11-129, relating to weapons carry licenses, by revising subsection (a), paragraph (1) of subsection (b), subparagraph (b)(2)(A), paragraphs (1) and (2) of subsection (d), subsection (e), and subsection (l) as follows:

"(a) **Application for weapons carry license or renewal license; term.** The judge of the probate court of each county ~~may shall~~, on application under oath, ~~and~~ on payment of a fee of \$30.00, and on investigation of applicant pursuant to subsections (b) and (d) of this Code section, issue a weapons carry license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application. Such license or renewal license shall authorize that person to carry any weapon in any county of this state notwithstanding any change in that person's county of residence or state of domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An application shall be considered to be for a renewal license if the applicant has a weapons carry license or renewal license with 90 or fewer days remaining before the expiration of such weapons carry license or renewal license or 30 or fewer days since the expiration of such weapons carry license or renewal license regardless of the county of issuance of the applicant's expired or expiring weapons carry license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications

for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant, such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within this state at no cost."

"(1) As used in this subsection, the term:

(A) 'Armed forces' means active duty or a reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States National Guard, Georgia Army National Guard, or Georgia Air National Guard.

~~(A)~~(B) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

~~(B)~~(C) 'Convicted' means an adjudication of guilt. Such term shall not include an order of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

~~(C)~~(D) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

(2) No weapons carry license shall be issued to or maintained by:

(A) Any person younger than 21 years of age unless he or she:

(i) Is at least 18 years of age;

(ii) Provides proof that he or she has completed basic training in the armed forces ~~of the United States~~; and

(iii) Provides proof, which may be in the form of a written letter from his or her commander or a copy of his or her military orders, that he or she is actively serving in currently a member of the armed forces ~~of the United States~~ or has been honorably discharged from such service;"

"(1)~~(A)~~ For ~~both~~ weapons carry license applications ~~and requests for license renewals~~, the judge of the probate court shall within five business days following the receipt of the application or request direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(B) For requests for license renewals, the presentation of a weapons carry license issued by any probate judge in this state shall be evidence to the judge of the probate court to whom a request for license renewal is made that the fingerprints of the weapons carry license holder are on file with the judge of the probate court who issued the weapons carry license, and the judge of the probate court to whom a

request for license renewal is made shall, within five business days following the receipt of the request, direct the law enforcement agency to request a nonfingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court to whom a request for license renewal is made.

(2) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of the application or request also direct the law enforcement agency, in the same manner as provided for in subparagraph (d)(1)(B) of this subsection, to conduct a background check using the Federal Bureau of Investigation's National Instant Criminal Background Check System and return an appropriate report to the probate judge."

"(e) **Revocation, loss, or damage to license.**

(1) If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the license was issued shall learn or have brought to his or her attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon a finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication of falsification of application, mental incompetency, or chronic alcohol or narcotic usage. The judge of the probate court shall report such revocation to the Georgia Crime Information Center immediately but in no case later than ten days after such revocation. It shall be unlawful for any person to possess a license which has been revoked pursuant to this paragraph, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor.

(2) If a person is convicted of any crime or involved in any matter which would make the maintenance of a weapons carry license by such person unlawful pursuant to subsection (b) of this Code section, the judge of the superior court or state court hearing such case or presiding over such matter shall inquire whether such person is the holder of a weapons carry license. If such person is the holder of a weapons carry license, then the judge of the superior court or state court shall inquire of such person the county of the probate court which issued such weapons carry license, or if such person has ever had his or her weapons carry license renewed, then of the county of the probate court which most recently issued such person a renewal license. The judge of the superior court or state court shall notify the judge of the probate court of such county of the matter which makes the maintenance of a weapons carry license by such person to be unlawful pursuant to subsection (b) of this Code section. The Council of Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall provide by rule for the procedures which judges of the superior court and the judges of the state courts, respectively, are to follow for the purposes of this paragraph.

(3) Loss of any license issued in accordance with this Code section or damage to the license in any manner which shall render it illegible shall be reported to the judge of the probate court of the county in which it was issued within 48 hours of the time the loss or damage becomes known to the license holder. The judge of the probate court shall thereupon issue a replacement for and shall take custody of and destroy a damaged license; and in any case in which a license has been lost, he or she shall issue a cancellation order ~~and notify by telephone and in writing each of the law enforcement agencies whose records were checked before issuance of the original license.~~ The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such services."

"(1) **Verification of license.** The judge of a probate court or his or her designee shall be authorized to verify the legitimacy and validity of a weapons carry license ~~to~~ of a license holder; pursuant to a subpoena or court order, ~~or~~ for public safety purposes, ~~but~~ to law enforcement agencies pursuant to paragraph (40) of subsection (a) of Code Section 50-18-72, and for licensing to a judge of a probate court or his or her designee pursuant to paragraph (40) of subsection (a) of Code Section 50-18-72; provided, however, that the judge of a probate court or his or her designee shall not be authorized to provide any further information regarding license holders."

SECTION 6.

Said chapter is further amended in Code Section 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits, by revising the introductory language to paragraph (1) of subsection (b), paragraph (1) of subsection (c), and subsection (f) as follows:

"(b)(1) Except as provided in subsection (c) of this Code section, no county or municipal corporation, by zoning, ~~or~~ by ordinance or resolution, or by any other means, nor any agency, board, department, commission, political subdivision, school district, or authority of this state, other than the General Assembly, by rule or regulation or by any other means shall regulate in any manner:"

"(c)(1) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government, or by unpaid volunteers of such local unit of government, in the course of their employment or volunteer functions with such local unit of government; provided, however, that the sheriff or chief of police shall be solely responsible for regulating and determining the possession, carrying, and transportation of firearms and other weapons by employees under his or her respective supervision so long as such regulations comport with state and federal law."

"(f) As used in this Code section, the term 'weapon' ~~shall have the same meaning as set forth in Code Section 16-11-127.1~~ means any device designed or intended to be used, or capable of being used, for offense or defense, including but not limited to firearms, bladed devices, clubs, electric stun devices, and defense sprays."

SECTION 7.

Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection of public records, is amended in Code Section 50-18-72, relating to when public disclosure not required, by revising paragraph (40) of subsection (a) as follows:

"(40) Any permanent records maintained by a judge of the probate court pursuant to Code Section 16-11-129, relating to weapons carry licenses, or pursuant to any other requirement for maintaining records relative to the possession of firearms, except to the extent that such records relating to licensing and possession of firearms are sought by law enforcement agencies or a judge of the probate court as provided by law;"

SECTION 8.

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

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

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

N Abrams	Y Coomer	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	Smith, M
Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	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	Stephenson
Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	N 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	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
E Carter	N Gardner	Y LaRiccia	Rogers, C	Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	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	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 3.

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

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

HOUSE SUPPLEMENTAL RULES CALENDAR
MONDAY, MARCH 9, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 28th Legislative Day as enumerated below:

DEBATE CALENDAR

Modified Open Rule

- HB 16 Education; no high school which receives funding from Quality Basic Education Act shall participate in or sponsor interscholastic sports events unless students enrolled in magnet schools can participate under certain conditions; provide (Substitute)(Ed-Prince-127th)
- HB 89 Drug-free commercial zones; date of incorporation of local ordinances by reference; change (JudyNC-Bruce-61st)
- HB 253 Real estate appraisers; requirements for establishment and maintenance of a real estate appraisal management company; change certain provisions (RegI-Ballinger-23rd)
- HB 476 Fulton County Industrial District; repeal amendment; provisions (GAff-Fludd-64th)
- HB 477 Abandoned public road property; notice and right to acquire when located within a subdivision; provide (Substitute)(Trans-Jones-47th)

Modified Structured Rule

- HB 106 Highways; revise what constitutes part of the state highway system; provisions (Substitute)(Trans-Roberts-155th)
- HB 215 Equalized Homestead Option Sales Tax Act of 2015; enact (Substitute) (W&M-Jacobs-80th)(AM 34 0692)

HB 255 State purchasing; equal credits be given to certain forestry certification systems when using green building standards in state construction operation, repair, and renovation projects; require (Substitute)(SProp-Cheokas-138th)

Pursuant to House Rule 33.3, debate shall be limited to one hour inclusive of the author's time on HB 514, HB 515, and HB 520. Time to be allocated by the Speaker.

HB 514 South Fulton, City of; Fulton County; incorporate (GAff-Bruce-61st)
 HB 515 Tucker, City of; DeKalb County; incorporate (GAff-Mitchell-88th)
 HB 520 LaVista Hills, City of; DeKalb County; incorporate (GAff-Taylor-79th)
 (AM 28 1388)

Structured Rule

HB 20 State income tax; certain allocations to owners of certain entities shall be governed by Georgia law; clarify (W&M-Carson-46th)
 HB 277 Sales and use tax; value all flooring samples at the same rate for purposes of fair market value (W&M-Broadrick-4th)

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

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

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

HB 253. By Representatives Ballinger of the 23rd, Benton of the 31st, Harrell of the 106th, Teasley of the 37th, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Chapter 39A of Title 43 of the Official Code of Georgia Annotated, relating to real estate appraisers, so as to change certain provisions relating to requirements for the establishment and maintenance of a real estate appraisal management company; 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	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
Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	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	Stephenson
Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Bennett	E 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N 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	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 158, nays 1.

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

HB 477. By Representative Jones of the 47th:

A BILL to be entitled an Act to amend Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to procedures for disposition of property formerly acquired for public road purposes but later abandoned, so as to provide for notice and right to acquire when such property is located within a subdivision; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to procedures for disposition of property formerly acquired for public road purposes but later abandoned, so as to provide for notice and right to acquire when such property is located within a subdivision; to amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation of municipal corporations, so as to provide that newly incorporated municipalities shall assume ownership and control of county road rights of way located within the area incorporated; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to procedures for disposition of property formerly acquired for public road purposes but later abandoned, is amended by revising paragraph (1) of subsection (a) as follows:

"(a)(1) In disposing of property, as authorized under Code Section 32-7-3, the department, a county, or a municipality shall notify the owner of such property at the time of its acquisition or, if the tract from which the department, a county, or a municipality acquired its property has been subsequently sold, shall notify the owner of abutting land holding title through the owner from whom the department, a county, or a municipality acquired its property. In the event that all or a portion of the property subject to disposition is located in a subdivision with a duly formed property owner's association, the notice for that portion of the property within such subdivision may be provided to the association in lieu of the individual owners of abutting land. The notice shall be in writing delivered to the appropriate owner or association or by publication if ~~his or her~~ the owner's or association's address is unknown; and ~~he or she~~ the owner or the association, as applicable, shall have the right to acquire, as provided in this subsection, the property with respect to which the notice is given. Publication, if necessary, shall be in a newspaper of general circulation in the county where the property is located. If, after a search of the land and probate records, the address of any interested party cannot be found, an affidavit stating such facts and reciting the steps taken to establish the address of any such person shall be placed in the department, county, or municipal records and shall be accepted in lieu of service of notice by mailing the same to the last known address of such person. After properly completing and filing such affidavit, the department, county, or municipality may dispose of the property in accordance with the provisions of subsection (b) of this Code section."

SECTION 2.

Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation of municipal corporations, is amended by adding a new Code section to read as follows:

"36-31-7.1.

(a) When a new municipal corporation is created by Act of the General Assembly, the new municipality shall assume the ownership, control, care, and maintenance of county road rights of way located within the area incorporated unless the municipality and the county agree otherwise by joint resolution.

(b) This Code section shall apply to any new municipal corporation created by Act of the General Assembly on or after April 15, 2005."

SECTION 3.

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

SECTION 4.

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

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Harrell	Y Morris	Y Smith, M
Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	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
Bell	Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Bennett	E 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E 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	Y 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 163, nays 0.

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

HB 255. By Representatives Cheokas of the 138th, Sims of the 123rd, Williams of the 119th, Greene of the 151st, Nimmer of the 178th and others:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, so as to require equal credits be given to certain forestry certification systems when using green building standards in state construction, operation, repair, and renovation projects; 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 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, so as to require equal credits be given to certain forestry certification systems when using green building standards in state construction, operation, repair, and renovation projects; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, is amended by revising Code Section 50-5-63, relating to the exclusive use of Georgia forest products in state construction contracts, as follows:

"50-5-63.

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

(1) 'Green building standards' means any system or tool created to rate the environmental efficiency and sustainability of the design, construction, operation, and maintenance of a building.

(2) 'State building' means any facility owned, constructed, or acquired by the State of Georgia or any department, board, commission, or agency thereof, including state supported institutions of higher learning.

~~(a)~~(b) No contract for the construction of, addition to, or repair or renovation of any facility, the cost of which is borne by the this state or any department, agency, commission, authority, or political subdivision thereof, shall be let unless the contract contains a stipulation therein providing that the contractor or any subcontractor shall use exclusively Georgia forest products in the construction thereof, when forest products are to be used in such construction, addition, or repair, or renovation, and if Georgia forest products are available.

(c) Whenever green building standards are applied to the new construction, operation, repair, or renovation of any state building, the entity applying the standards shall use only those green building standards that give certification credits equally to Georgia forest products grown, manufactured, and certified under the Sustainable Forestry Initiative, the American Tree Farm System, the Forest Stewardship Council, or other similar certifying organization approved by such entity.

~~(b)~~(d) This Code section shall not apply when in conflict with federal rules and regulations concerning construction."

SECTION 2.

This Act shall become effective on July 1, 2015, and shall apply to all contracts entered into on or after such date.

SECTION 3.

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

Pursuant to Rule 133, Representative Duncan of the 26th was excused from voting on HB 255.

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

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

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

On the passage of the Bill, by substitute, the ayes were 120, nays 44.

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

HB 20. By Representative Carson of the 46th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, computation, and exemptions from state income taxes, so as to clarify that certain allocations to owners of certain entities shall be governed by Georgia law; 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	Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E 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
E Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E 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
Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	N Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
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	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	E Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	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	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

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

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

HB 277. By Representatives Broadrick of the 4th, Dickson of the 6th, Meadows of the 5th and Battles of the 15th:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition,

rate, collection, and assessment of state sales and use taxes, so as to value all flooring samples at the same rate for purposes of fair market value; 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	E 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
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
E Bell	Y Dollar	Y Holmes	Y Parrish	Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	E Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E 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	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 0.

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

HB 106. By Representatives Roberts of the 155th, Burns of the 159th, McCall of the 33rd and Cooke of the 18th:

A BILL to be entitled an Act to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to revise what constitutes part of the state highway system; to provide for the appropriation of funds to the Department of Transportation; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for submission of electronic accident reports by law enforcement agencies; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to revise what constitutes part of the state highway system; to provide for the appropriation of funds to the Department of Transportation; to provide for notice in the disposition of property; to provide for the determination of market value of property acquired by the department; to provide for the procedure for the sale of property when the right of acquisition is not exercised; to provide for the implementation of the federal Public Transportation Safety Program; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for submission of electronic accident reports by law enforcement agencies; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising Code Section 32-4-20, relating to the composition of the state highway system, as follows:

"32-4-20.

The state highway system shall consist of an integrated network of arterials and of other public roads or bypasses serving as the major collectors therefor. No public road shall be designated as a part of the state highway system unless it meets at least one of the following requirements:

- (1) Serves trips of substantial length and duration indicative of regional, state-wide, or interstate importance;
- (2) Connects adjoining county seats;
- (3) Connects urban or regional areas with outlying areas, both intrastate and interstate; or

- (4) Serves as part of the principal collector network for the state-wide and interstate arterial public road system; ~~or~~
- (5) ~~Serves as part of a programmed road improvement project plan in which the department will utilize state or federal funds for the acquisition of rights of way.~~"

SECTION 2.

Said title is further amended by revising Code Section 32-5-2, relating to the appropriation of funds to the Department of Transportation, as follows:

"32-5-2.

All federal funds received by the state treasurer under Code Section 32-5-1 are continually appropriated to the department for the purpose specified in the grants of such funds except as such funds may be directed by the federal government to the State Road and Tollway Authority, ~~provided that no federal funds or funds appropriated to the department shall be expended for procurement of rights of way for a road to be constructed on a county road system except as otherwise provided by law or by agreement between the federal government and the department.~~"

SECTION 3.

Said title is further amended by revising Code Section 32-7-4, relating to procedure for the disposition of property by the Department of Transportation, as follows:

"32-7-4.

(a)(1) In disposing of property, as authorized under Code Section 32-7-3, the department, a county, or a municipality, provided that such department, county, or municipality has held title to the property for no more than 30 years, shall notify the owner of such property at the time of its acquisition or, if the tract from which the department, a county, or a municipality acquired its property has been subsequently sold, shall notify the owner of abutting land holding title through the owner from whom the department, a county, or a municipality acquired its property. The notice shall be in writing delivered to the appropriate owner or by publication if his or her address is unknown; and he or she shall have the right to acquire, as provided in this subsection, the property with respect to which the notice is given. Publication, if necessary, shall be in a newspaper of general circulation in the county where the property is located. If, after a search of the ~~land and probate~~ available public records, the address of any interested party cannot be found, ~~an affidavit stating such a record of the~~ facts and reciting the steps taken to establish the address of any such person shall be placed in the department, county, or municipal records and shall be accepted in lieu of service of notice by mailing the same to the last known address of such person. After properly completing and filing such affidavit documenting the search, the department, county, or municipality may dispose of the property in accordance with the provisions of subsection (b) of this Code section.

(2)(A) When an entire parcel acquired by the department, a county, or a municipality, or any interest therein, is being disposed of, it may be acquired under the right created in paragraph (1) of this subsection at such price as may be agreed

upon, but in no event less than the price paid for its acquisition. When only remnants or portions of the original acquisition are being disposed of, they may be acquired for the market value thereof at the time the department, county, or municipality decides the property is no longer needed. The department shall use a real estate appraiser with knowledge of the local real estate market who is licensed in Georgia ~~and not an employee of the department~~ to establish the fair market value of the property prior to listing such property.

(B) The provisions of subparagraph (A) of this paragraph notwithstanding, if the value of the property is ~~\$30,000.00~~ \$75,000.00 or less as determined by department estimate, the department, county, or municipality may negotiate the sale.

(3) If the right of acquisition is not exercised within ~~60~~ 30 days after due notice, the department, county, or municipality may proceed to sell such property as provided in subsection (b) of this Code section.

(4) When the department, county, or municipality in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under this Code section and mailed such notice to the last known address of record of those persons or otherwise complied with the notification requirements of this Code section, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this Code section.

(b)(1)(A) Unless a sale of the property is made pursuant to paragraph (2) or (3) of this subsection, such sale shall be made to the bidder submitting the highest of the sealed bids received after public advertisement for such bids for two weeks. If the highest of the sealed bids received is less than but within 15 percent of the established market value, the department may accept that bid and convey the property in accordance with the provisions of subsection (c) of this Code section. The department or the county or municipality shall have the right to reject any and all bids, in its discretion, to readvertise, or to abandon the sale.

(B) Such public advertisement shall be inserted once a week in such newspapers or other publication, or both, as will ensure adequate publicity, the first insertion to be at least two weeks prior to the opening of bids, the second to follow one week after the first publication. Such advertisement shall include but not be limited to the following items:

- (i) A description sufficient to enable the public to identify the property;
- (ii) The time and place for submission and opening of sealed bids;
- (iii) The right of the department or the county or municipality to reject any one or all of the bids;
- (iv) All the conditions of sale; and
- (v) Such further information as the department or the county or municipality may deem advisable as in the public interest.

(2)(A) Such sale of property may be made by the department or a county or municipality by listing the property through a real estate broker licensed under Chapter 40 of Title 43 who has a place of business located in the county where the property is located or outside the county if no such business is located in the county

where the property is located. Property shall be listed for a period of at least three months. Such property shall not be sold at less than its fair market value. The department shall use a real estate appraiser with knowledge of the local real estate market who is licensed in Georgia ~~and not an employee of the department~~ to establish the fair market value of the property prior to listing such property. All sales shall be approved by the commissioner on behalf of the department or shall be approved by the governing authority of the county or municipality at a regular meeting ~~and that~~ shall be open to the public ~~at which meeting, and~~ public comments shall be allowed at such meeting regarding such sale.

(B) Commencing at the time of the listing of the property as provided in subparagraph (A) of this paragraph, the department, county, or municipality shall provide for a notice to be inserted once a week for two weeks in the legal organ of the county indicating the names of real estate brokers listing the property for the political subdivision. The department, county, or municipality may advertise in magazines relating to the sale of real estate or similar publications.

(C) The department, county, or municipality shall have the right to reject any and all offers, in its discretion, and to sell such property pursuant to the provisions of paragraph (1) of this subsection.

(3)(A) Such sale of property may be made by the department, a county, or a municipality to the highest bidder at a public auction conducted by an auctioneer licensed under Chapter 6 of Title 43. Such property shall not be sold at less than its fair market value.

(B) The department, county, or municipality shall provide for a notice to be inserted once a week for the two weeks immediately preceding the auction in the legal organ of the county including, at a minimum, the following items:

- (i) A description sufficient to enable the public to identify the property;
- (ii) The time and place of the public auction;
- (iii) The right of the department or the county or municipality to reject any one or all of the bids;
- (iv) All the conditions of sale; and
- (v) Such further information as the department or the county or municipality may deem advisable as in the public interest.

The department, county, or municipality may advertise in magazines relating to the sale of real estate or similar publications.

(C) The department, county, or municipality shall have the right to reject any and all offers, in its discretion, and to sell such property pursuant to the provisions of paragraph (1) or (2) of this subsection.

(c) Any conveyance of property shall require the approval of the department, county, or municipality, by ~~order~~ approval of the commissioner on behalf of the department and, in the case of a county or municipality, by resolution, to be recorded in the minutes of its meeting. If the department or the county or municipality approves a sale of property, the commissioner, chairperson, or presiding officer may execute a quitclaim

deed conveying such property to the purchaser. All proceeds arising from such sales shall be paid into and constitute a part of the funds of the seller."

SECTION 4.

Said title is further amended in Code Section 32-9-10, relating to the implementation of the federal Intermodal Surface Transportation Efficiency Act of 1991, by revising subsection (a) and adding new subsections to read as follows:

"(a) The purpose of this Code section is to implement ~~Section 3029 of Public Law 102-240, the federal Intermodal Surface Transportation Efficiency Act of 1991, the federal Public Transportation Safety Program, 49 U.S.C. Section 5329,~~ referred to in this Code section as the act."

"(g) Nothing in this Code section is intended to conflict with any provision of federal law; and, in case of such conflict, such portion of this Code section as may be in conflict with such federal law is declared of no effect to the extent of the conflict.

"(h) The department is authorized to take the necessary steps to secure the full benefit of the federal-aid program and meet any contingencies not provided for in this Code section, abiding at all times by a fundamental purpose to perform all acts which are necessary, proper, or incidental to the efficient and safe operation and development of the department and the state highway system and of other modes and systems of transportation."

SECTION 5.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-9-31, relating to the submission of accident reports to the Department of Driver Services and the Department of Transportation, as follows:

"40-9-31.

Each state and local law enforcement agency shall submit to the Department of Transportation the original document of any accident report prepared by such law enforcement agency or submitted to such agency by a member of the public. If the Department of Driver Services receives a claim requesting determination of security, the Department of Transportation shall provide a copy or an electronic copy of any relevant accident reports to the Department of Driver Services. Any such law enforcement agency ~~may~~ shall transmit the information contained on the accident report form by electronic means, provided that the Department of Transportation has first given approval to the reporting agency for the electronic reporting method utilized. The law enforcement agency shall retain a copy of each accident report. ~~Any~~ The law enforcement agency ~~that transmits the data by electronic means must~~ shall transmit the data using a nonproprietary interchangeable electronic format and reporting method. For purposes of this Code section, the term 'nonproprietary' shall include commonly used report formats. All such reports shall be submitted to the Department of Transportation not more than ~~15~~ seven days following the ~~end of the month in~~ date which such report was prepared or received by such law enforcement agency. The

Department of Transportation is authorized to engage the services of a third party in fulfilling its responsibilities under this Code section."

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	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E 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
E Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E 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	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Efstration	Y Jones, J.B.	Y Pruet	Y Teasley
Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
E Carter	Y Gardner	Y LaRicca	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	E Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	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	Y 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 166, nays 0.

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

HB 215. By Representatives Jacobs of the 80th, Mayo of the 84th, Mosby of the 83rd, Taylor of the 79th, Drenner of the 85th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for an additional exemption to the ceiling on local sales and use taxes which may be levied by a political subdivision; to provide for a revised distribution of the proceeds from the levy of an equalized homestead option sales and use tax; to provide for the levy of a special purpose local options sales and use tax in certain counties; to provide for procedures, conditions, and limitations; 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:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for an additional exemption to the ceiling on local sales and use taxes which may be levied by a political subdivision; to provide for a revised distribution of the proceeds from the levy of an equalized homestead option sales and use tax; to provide for the levy of a special purpose local options sales and use tax in certain counties; to provide for procedures, conditions, and limitations; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, is amended in Code Section 48-8-6, relating to the ceiling on local sales and use taxes, by revising paragraph (2) of subsection (a) as follows:

"(2) Any tax levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment; provided, however, that the exception provided for under this paragraph shall only apply:

(A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of Code Section 48-8-111 in whole or in part for the purpose or purposes of a water capital outlay project or projects, a sewer capital outlay project or projects, a water and sewer capital outlay project or projects, water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200, or any combination thereof and with respect to which the county has entered into an intergovernmental contract with a municipality, in which the average waste-water system flow of such municipality is not less than 85 million gallons per day, allocating proceeds to such municipality to be used solely for water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200. The exception provided for under this subparagraph shall apply only during the period the tax under ~~said~~ such subparagraph (a)(1)(D) is in effect. The exception provided for under this subparagraph shall not apply in any county in which a tax is being imposed under Article 2A of this chapter; ~~or~~

(B) In a county in which the tax levied for purposes of a metropolitan area system of public transportation is first levied after January 1, 2010, and before November 1, 2016. Such tax shall not apply to the following:

(i) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport. For purposes of this division, a 'qualifying airline' means any person which is authorized by the Federal Aviation Administration or another appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire. For purposes of this division, a 'qualifying airport' means any airport in ~~the~~ this state that has had more than 750,000 takeoffs and landings during a calendar year; and

(ii) The sale of motor vehicles; or

(C) In a county in which a tax is levied and collected pursuant to Article 2A of this chapter;"

SECTION 2.

Said chapter is further amended by revising Article 2A, relating to the homestead option sales and use tax, as follows:

"Part 1

48-8-100.

This ~~article~~ part shall be known and may be cited as the 'Homestead Option Sales and Use Tax Act.'

48-8-101.

As used in this ~~article~~ part, the term:

(1) 'Ad valorem taxes for county purposes' means any and all ad valorem taxes for county maintenance and operation purposes levied by, for, or on behalf of the county, excluding taxes to retire general obligation bonded indebtedness of the county.

(2) 'Existing municipality' means a municipality created prior to January 1, 2007, lying wholly within or partially within a county.

(3) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40, with the additional qualification that it shall include only the primary residence and not more than five contiguous acres of land immediately surrounding such residence.

(4) 'Qualified municipality' means a municipality created on or after January 1, 2007, lying wholly within or partially within a county.

48-8-101.1.

It is the intent of the General Assembly that the proceeds of the homestead option sales and use tax be distributed equitably to the counties and qualified municipalities such that the residents of a new incorporated municipality will continue to receive a benefit from that tax substantially equal to the benefit they would have received if the area covered by the municipality had not incorporated. The provisions of this ~~article~~ part shall be liberally construed to effectuate such intent.

48-8-102.

(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, there are created within this state 159 special districts. The geographical boundary of each county shall correspond with and shall be conterminous with the geographical boundary of one of the 159 special districts.

(b) When the imposition of a local sales and use tax is authorized according to the procedures provided in this ~~article~~ part 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~~ part, except that the sales and use tax provided in this ~~article~~ part shall be applicable to sales of motor fuels as prepaid local tax as ~~that~~ such 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.

(c)(1) Except as otherwise provided in paragraph (2) of this subsection, the proceeds of the sales and use tax levied and collected under this ~~article~~ part shall be used only for the purposes of funding capital outlay projects and of funding services within a special district equal to the revenue lost to the homestead exemption as provided in Code Section 48-8-104 and, in the event excess funds remain following the expenditure for such purposes, such excess funds shall be expended as provided in subparagraph (c)(2)(C) of Code Section 48-8-104.

(2) Prior to January 1 of the year immediately following the first complete calendar year in which the sales and use tax under this ~~article~~ part is imposed, such proceeds may be used for funding all or any portion of those services which are to be provided by the governing authority of the county whose geographic boundary is conterminous with that of the special district pursuant to and in accordance with Article IX, Section II, Paragraph III of the Constitution of this state.

(d) Such sales and use tax shall only be levied in a special district following the enactment of a local Act which provides for a homestead exemption of an amount to be determined from the amount of sales and use tax collected under this ~~article~~ part. Such exemption shall commence with taxable years beginning on or after January 1 of the year immediately following the first complete calendar year in which the sales and use tax under this ~~article~~ part is levied. Any such local Act shall incorporate by reference the terms and conditions specified under this ~~article~~ part. Any such local Act shall not be subject to the provisions of Code Section 1-3-4.1. Any such homestead exemption under this ~~article~~ part shall be in addition to and not in lieu of any other homestead exemption applicable to county taxes for county purposes within the special district. Notwithstanding any provision of such local Act to the contrary, the referendum which shall otherwise be required to be conducted under such local Act shall only be conducted if the resolution required under subsection (a) of Code Section 48-8-103 is adopted prior to the issuance of the call for the referendum under the local Act by the election superintendent. If such ordinance is not adopted by that date, the referendum otherwise required to be conducted under the local Act shall not be conducted.

(e) No sales and use tax shall be levied in a special district under this ~~article~~ part in which a tax is levied and collected under Article 2 of this chapter.

48-8-103.

(a) Whenever the governing authority of any county whose geographic boundary is conterminous with that of the special district wishes to submit to the electors of the special district the question of whether the sales and use tax authorized by Code Section 48-8-102 shall be imposed, any such governing authority shall notify the election superintendent of the county whose geographical boundary is conterminous with that of the special district 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 the imposition of the sales and use tax to the voters of the special district 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. Such election shall only be conducted on the date of and in conjunction with a referendum provided for by local Act on the question of whether to impose a homestead exemption within such county and based on the amount of proceeds from the sales and use tax levied and collected pursuant to this ~~article~~ part. 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 statement which shall precede the ballot question specified in this subsection and the ballot question specified by the required local Act:

'NOTICE TO ELECTORS: Unless **BOTH** the homestead exemption **AND** the retail homestead option sales and use tax are approved, then neither the exemption nor the sales and use tax shall become effective.'

Such statement shall be followed by the following:

- () YES Shall a retail homestead option sales and use tax of 1 percent be levied within the special district within _____ County for the purposes of funding capital outlay projects and of funding services to replace revenue lost to an additional homestead exemption of up to 100 percent of the assessed value of homesteads from county taxes for county purposes?'
- () NO

Notwithstanding any other provision of law to the contrary, the statement, ballot question, and local Act ballot question referred to in this subsection shall precede any and all other ballot questions calling for the levy or imposition of any other sales and use tax which are to appear on the same ballot.

(b) All persons desiring to vote in favor of levying the sales and use tax shall vote 'Yes,' and those persons opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in favor of levying the tax and approving the local Act providing such homestead exemption, then the tax shall be levied in accordance with this ~~article~~ part; otherwise, the sales and use tax may not be levied, and the question of the imposition of the sales and use tax may not again be submitted to the voters of the special district until after 24 months immediately following the month in which the election was held. 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 and to the commissioner. The expense of the election shall be borne by the county whose geographical boundary is conterminous with that of the special district holding the election.

(c) If the imposition of the sales and use tax provided in Code Section 48-8-102 is approved in a referendum election as provided by subsections (a) and (b) of this Code section, the governing authority of the county whose geographical boundary is conterminous with that of the special district shall adopt a resolution during the first 30 days following the certification of the result of the election imposing the sales and use tax authorized by Code Section 48-8-102 on behalf of the county whose geographical boundary is conterminous with that of the special district. The resolution shall be effective on the first day of the next succeeding calendar quarter which begins more than 80 days after the adoption of the resolution. With respect to services which are billed on a regular monthly basis, however, the resolution shall become effective with the first regular billing period coinciding with or following the otherwise effective date

of the resolution. A certified copy of the resolution shall be forwarded to the commissioner so that it will be received within five days after its adoption.

48-8-104.

(a) The sales and use tax levied pursuant to this ~~article~~ part shall be exclusively administered and collected by the commissioner for the use and benefit of each county whose geographical boundary is conterminous with that of a special district. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter except that the sales and use tax provided in this ~~article~~ part shall be applicable to sales of motor fuels as prepaid local tax as ~~that~~ such term is defined in Code Section 48-8-2; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state. Dealers shall be allowed a percentage of the amount of the sales and use tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

(b) Each sales and use tax return remitting sales and use taxes collected under this ~~article~~ part shall separately identify the location of each retail establishment at which any of the sales and use taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all sales and use taxes imposed by this ~~article~~ part are collected and distributed according to situs of sale.

(c) The proceeds of the sales and use tax collected by the commissioner in each special district under this ~~article~~ part shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration;

(2) Except for the percentage provided in paragraph (1) of this subsection and the amount determined under subsections (d) and (e) of this Code section, the remaining proceeds of the sales and use tax shall be distributed to the governing authority of the county whose geographical boundary is conterminous with that of the special district; provided, however, that a county and any qualified municipality shall be authorized by intergovernmental agreement to waive the equalization amount otherwise required under subsections (d) and (e) of this Code section and provide for a different distribution amount. In the event of such waiver, except for the percentage provided in paragraph (1) of this subsection, the remaining proceeds of the sales and use tax shall be distributed to the governing authority of the county whose geographical boundary is conterminous with that of the special district. As a condition precedent for the authority to levy the sales and use tax or to collect any proceeds from the tax authorized by this ~~article~~ part for the year following the first complete calendar year in

which it is levied and for all subsequent years except the year following the year in which the sales and use tax is terminated under Code Section 48-8-106, the county whose geographical boundary is conterminous with that of the special district shall, except as otherwise provided in subsection (c) of Code Section 48-8-102, expend such proceeds as follows:

(A) A portion of such proceeds shall be expended for the purpose of funding capital outlay projects as follows:

(i) The governing authority of the county whose geographical boundary is conterminous with that of the special district shall establish the capital factor which shall not exceed .200 and, for a county in which a qualified municipality is located, shall not be less than the level required by subsection (d) of this Code section; therefore, at a minimum, the county shall set the capital factor at a level that yields an amount of capital outlay proceeds that is equal to or greater than the sum of all equalization amounts due qualified municipalities and existing municipalities under subsection (e) of this Code section; and

(ii) Capital outlay projects shall be funded in an amount equal to the product of the capital factor multiplied by the net amount of the sales and use tax proceeds collected under this ~~article~~ part during the previous calendar year, and this amount shall be referred to as capital outlay proceeds in subsections (d) and (e) of this Code section;

(B) A portion of such proceeds shall be expended for the purpose of funding services within the special district equal to the revenue lost to the homestead exemption as provided in this Code section as follows:

(i) The homestead factor shall be calculated by multiplying the quantity 1.000 minus the capital factor times an amount equal to the net amount of sales and use tax collected in the special district pursuant to this ~~article~~ part for the previous calendar year, and then dividing by the taxes levied for county purposes on only that portion of the county tax digest that represents net assessments on qualified homestead property after all other homestead exemptions have been applied, rounding the result to three decimal places;

(ii) If the homestead factor is less than or equal to 1.000, the amount of homestead exemption created under this ~~article~~ part on qualified homestead property shall be equal to the product of the homestead factor multiplied times the net assessment of each qualified homestead remaining after all other homestead exemptions have been applied; and

(iii) If the homestead factor is greater than 1.000, the homestead exemption created by this ~~article~~ part on qualified homestead property shall be equal to the net assessment of each homestead remaining after all other homestead exemptions have been applied; and

(C) If any of such proceeds remain following the distribution provided for in subparagraphs (A) and (B) of this paragraph and subsections (d) and (e) of this Code section:

(i) The millage rate levied for county purposes shall be rolled back in an amount equal to such excess divided by the net taxable digest for county purposes after deducting all homestead exemptions including the exemption under this ~~article~~ part; and

(ii) In the event the rollback created by division (i) of this subparagraph exceeds the millage rate for county purposes, the governing authority of the county whose boundary is conterminous with the special district shall be authorized to expend the surplus funds for funding all or any portion of those services which are to be provided by such governing authorities pursuant to and in accordance with Article IX, Section II, Paragraph III of the Constitution of this state.

(d)(1) The commissioner shall distribute to the governing authority of each qualified municipality located in the special district a share of the capital outlay proceeds calculated as provided in this subsection and subsection (e) of this Code section which proceeds shall be expended for the purpose of funding capital outlay projects of such municipality.

(2) Both the tax commissioner and the governing authority for the county in which a qualified municipality is located shall cooperate with and assist the commissioner in the calculation of the equalization amounts under subsection (e) of this Code section and shall, on or before July 1 of each year, provide to the commissioner and the governing authority of each qualified municipality written certification of the following:

(A) The capital factor set by the county for the current calendar year; provided, however, that the capital factor may not exceed 0.200;

(B) The total amount, if any, due to be paid to existing municipalities from the capital outlay proceeds as required by any intergovernmental agreement between the county and such municipalities;

(C) The incorporated county millage rate in each qualified municipality;

(D) The net homestead digest for each qualified municipality;

(E) The total homestead digest; and

(F) The unincorporated county millage rate.

If the tax commissioner and the governing authority of the county fail to provide such certification on or before July 1, the commissioner shall not distribute to such county any additional proceeds of the sales and use tax collected after July 1 unless and until such certification is provided.

(3) The commissioner shall then calculate the equalization amount due each qualified municipality based on the certifications provided by the tax commissioner and the governing authority of the county and pay such amount to the governing authority of each qualified municipality in six equal monthly payments as soon as practicable during or after each of the last six months of the current calendar year. In the event an existing municipality that has entered into an intergovernmental agreement with a county at any time before January 1, 2007, to receive capital outlay proceeds of the homestead option sales and use tax and such intergovernmental agreement has become or does become null and void for any reason, such existing municipality shall

be treated under this ~~article~~ part the same as if it were a qualified municipality as defined in paragraph (4) of Code Section 48-8-101 and therefore receive payment of equalization amounts under this ~~article~~ part as provided for under this ~~article~~ part. The commissioner shall distribute to the governing authority of the county each month the net sales and use tax remaining after payment of equalization amounts to the qualified municipalities.

(e)(1) As used in this subsection, the term:

(A) 'Equalization amount' means for a qualified municipality the product of the equalization millage times the net homestead digest for that qualified municipality.

(B) 'Equalization millage' means for each qualified municipality the product of the homestead factor calculated pursuant to division (c)(2)(B)(i) of this Code section times the difference between the unincorporated county millage rate and the incorporated county millage rate for that qualified municipality.

(C) 'Incorporated county millage rate' means the millage rate for all ad valorem taxes for county purposes levied by the county in each of the qualified municipalities in the county.

(D) 'Net homestead digest' means for each qualified municipality the total net assessed value of all qualified homestead property located in that portion of the qualified municipality located in the county remaining after all other homestead exemptions are applied.

(E) 'Total homestead digest' means the total net assessed value of all qualified homestead property located in the county remaining after all other homestead exemptions are applied.

(F) 'Unincorporated county millage rate' means the millage rate for all ad valorem taxes for county purposes levied by the county in the unincorporated areas of the county.

(2) For illustration purposes, a hypothetical example of the calculation of the equalization amount is provided below.

First, calculate the homestead factor in accordance with division (c)(2)(B)(i) of this Code section as follows:

(A) Capital factor certified by county as required by subsection (d) of this Code section	0.150
(B) Net amount of sales and use tax collected in the special district pursuant to this article <u>part</u> for the previous calendar year	\$ 50 million
(C) Taxes levied for county purposes on only that portion of the county tax digest that represents net assessments on qualified homestead property after all other homestead exemptions have been applied	\$100 million
(D) Calculation of homestead factor using figures above	.425

$$= [(1-.0150)(\$50 \text{ million}/\$100 \text{ million})]$$

Next, calculate the equalization amount in accordance with paragraph (1) of this subsection as follows:

(E) Unincorporated county millage rate	15.0 mills
(F) Minus the incorporated county millage rate for qualified municipality 'Y'	(10.0 mills)
Difference:	= 5.0 mills
(G) Times homestead factor (calculated above)	x .425
(H) Equals the equalization millage:	= 2.125 mills
(I) Times net homestead digest for qualified municipality 'Y'	\$200 million
(J) Equals the equalization amount payable to municipality 'Y'	\$ 425,000.00

(3) In the event the total amount payable in a calendar year to all existing municipalities as certified by the county pursuant to subparagraph (d)(2)(B) of this Code section plus the total equalization amount payable to all qualified municipalities in the special district exceeds the capital outlay proceeds calculated based on a maximum capital factor of 0.200, the commissioner shall pay to the governing authority of each qualified municipality a share of such proceeds calculated as follows:

- (A) Determine the capital outlay proceeds based on a maximum capital factor of 0.200;
- (B) Subtract the amount certified by the county as payable to existing municipalities pursuant to subparagraph (d)(2)(B) of this Code section;
- (C) The remaining amount equals the portion of the capital outlay proceeds that may be used by the commissioner to pay equalization amounts to qualified municipalities.

The commissioner shall calculate each qualified municipality's share of such remaining amount by dividing the net homestead digest for each qualified municipality by the total homestead digest for all municipalities.

(4) In the event the incorporated county millage rate for a qualified municipality is greater than the unincorporated county millage rate, no payment shall be due from the governing authority of the qualified municipality to the governing authority of the county.

(5) In the event the amount of capital outlay proceeds exceeds the sum of the equalization amounts due all qualified municipalities plus the total amount certified under subparagraph (d)(2)(B) of this Code section as due all existing municipalities, the commissioner shall distribute to each qualified municipality a portion of such

excess equal to the net homestead digest for such municipality divided by the total homestead digest.

(6) If any qualified municipality is located partially in the county then only that portion so located shall be considered in the calculations contained in this subsection.

48-8-105.

Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within ~~the~~ this state or in a tax jurisdiction outside ~~the~~ this state, the sales and use tax may be credited against the sales and use tax authorized to be imposed by this ~~article~~ part upon the same property. If the amount of sales or use tax so paid is less than the amount of the use tax due under this ~~article~~ part, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this ~~article~~ part. The commissioner may require such proof of payment in another local tax jurisdiction as the commissioner deems necessary and proper. No credit shall be granted, however, against the sales and use tax imposed under this ~~article~~ part for tax paid in another jurisdiction if the sales and use tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the special district or in the county which is conterminous with the special district; and sales and use taxes so paid in another jurisdiction shall be credited first against the sales and use tax levied under this ~~article~~ part and then against the sales and use tax levied under Article 3 of this chapter, if applicable.

48-8-106.

(a) Whenever the governing authority of any county whose geographic boundary is conterminous with that of the special district in which the sales and use tax authorized by this ~~article~~ part is being levied wishes to submit to the electors of the special district the question of whether the sales and use tax authorized by Code Section 48-8-102 shall be discontinued, the governing authority shall notify the election superintendent of the county whose geographical boundary is conterminous with that of the special district by forwarding to the superintendent a copy of a resolution of the governing authority calling for the 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 discontinuing the levy of the sales and use tax to the voters of the special district 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. Such election shall ~~only~~ be conducted only on the date of and in conjunction with a referendum provided for by local Act on the question of whether to repeal the homestead exemption within such county which is funded from the proceeds of the sales and use tax levied and collected pursuant to this ~~article~~ part. 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 1 percent retail homestead option sales and use tax being levied within the special district within _____ County for the purposes of funding capital outlay projects and of funding services to replace revenue lost to an additional homestead exemption of up to 100 percent of the assessed value of homesteads from county taxes for county purposes be terminated?
- () NO

(b) All persons desiring to vote in favor of discontinuing the sales and use tax shall vote 'Yes,' and those persons opposed to discontinuing the tax shall vote 'No.' If more than one-half of the votes cast are in favor of discontinuing the sales and use tax and repealing the local Act providing for such homestead exemption, then the sales and use tax shall cease to be levied on the last day of the taxable year following the taxable year in which the commissioner receives the certification of the result of the election; otherwise, the sales and use tax shall continue to be levied, and the question of the discontinuing of the tax may not again be submitted to the voters of the special district until after 24 months immediately following the month in which the election was held. 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 and certify the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be borne by the county whose geographical boundary is conterminous with that of the special district holding the election.

48-8-107.

No sales and use tax provided for in Code Section 48-8-102 shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the sales and use tax is imposed under this ~~article~~ part regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the Federal Motor Carrier Safety Administration or the Georgia Department of Public Safety.

48-8-108.

(a) As used in this Code section, the term 'building and construction materials' means all building and construction materials, supplies, fixtures, or equipment, any combination of such items, and any other leased or purchased articles when the materials, supplies, fixtures, equipment, or articles are to be utilized or consumed during construction or are to be incorporated into construction work pursuant to a bona fide written construction contract.

(b) No sales and use tax provided for in Code Section 48-8-102 shall be imposed in ~~such~~ a special district upon the sale or use of building and construction materials when

the contract pursuant to which the materials are purchased or used was advertised for bid prior to approval of the levy of the sales and use tax by the county whose geographical boundary is conterminous with that of the special district and the contract was entered into as a result of a bid actually submitted in response to the advertisement prior to approval of the levy of the sales and use tax.

48-8-109.

The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the sales and use tax authorized to be imposed by this ~~article~~ part.

Part 2

48-8-109.1.

This part shall be known and may be cited as the 'Equalized Homestead Option Sales Tax Act of 2015.'

48-8-109.2.

In any county where a homestead option sales and use tax under Part 1 of this article and a sales tax for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, are being levied, the county governing authority may choose to submit to the electors of the special district the question of whether to discontinue the sales and use tax authorized by Code Section 48-8-102 and replace such tax with a sales and use tax authorized by this part. Such referendum shall only be held in conjunction with a referendum submitting to the electors of the special district the question of whether to approve a special purpose local option sales and use tax pursuant to the provisions of Part 1 of Article 3 of this chapter. The electors of the special district must approve both of the sales and use taxes in order for either of them to be implemented. If either of the sales and use taxes is not approved by the electors, the homestead option sales and use tax under Part 1 of this article shall be continued in full force and effect.

48-8-109.3.

(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, there are created within this state 159 special districts. The geographical boundary of each county shall correspond with and shall be conterminous with the geographical boundary of one of the 159 special districts.

(b) When the imposition of a local sales and use tax is authorized according to the procedures provided in this part 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 and as otherwise provided in this part, the local sales and use tax shall correspond to the tax imposed and administered by Part 1 of this article. The local sales and use tax levied pursuant to this part shall apply to all items and transactions subject to taxation pursuant to Part 1 of this article. No item or transaction which is not subject to taxation pursuant to Part 1 of this article shall be subject to the tax levied pursuant to this part.

(c) No sales and use tax shall be levied in a special district under this part in which a tax is levied and collected under Article 2 of this chapter.

48-8-109.4.

(a) Whenever the governing authority of any county whose geographic boundary is conterminous with that of the special district wishes to submit to the electors of the special district the question of whether the sales and use tax authorized by this part shall be imposed, any such governing authority shall notify the election superintendent of the county whose geographical boundary is conterminous with that of the special district 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 the imposition of the sales and use tax to the voters of the special district 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. Such election shall only be held in conjunction with a referendum submitting to the electors of the special district the question of whether to approve a special purpose local option sales and use tax pursuant to the provisions of Part 1 of Article 3 of this chapter. The electors of the special district must approve both of the sales and use taxes in order for either of them to be implemented. If either of the taxes is not approved by the electors, the homestead option sales and use tax under Part 1 of this article shall be continued in full force and effect. If the sales and use tax under Part 1 of Article 3 of this chapter is not renewed, the sales and use tax under Part 1 of this article shall replace the sales and use tax under this part upon expiration of the sales and use tax under Part 1 of Article 3 of this chapter. 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 statement which shall precede the ballot question specified in this subsection:

'NOTICE TO ELECTORS: Unless **BOTH** the equalized homestead option sales and use tax **AND** the special purpose local option sales and use tax are approved, then neither sales and use tax shall become effective.'

Such statement shall be followed by the following:

- () YES Shall an equalized homestead option sales and use tax of 1 percent be levied within the special district within _____ County for
- () NO the purposes of reducing the ad valorem property tax millage rates

levied by county and municipal governments on homestead properties?'

Notwithstanding any other provision of law to the contrary, the statement and ballot question referred to in this subsection shall precede any and all other ballot questions which are to appear on the same ballot.

(b) All persons desiring to vote in favor of levying the sales and use tax shall vote 'Yes,' and those persons opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in favor of levying the tax, then the tax shall be levied in accordance with this part; otherwise, the sales and use tax may not be levied, and the question of the imposition of the sales and use tax may not again be submitted to the voters of the special district until after 24 months immediately following the month in which the election was held. 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 and to the commissioner. The expense of the election shall be borne by the county whose geographical boundary is conterminous with that of the special district holding the election.

(c) If the imposition of the sales and use tax provided in this part is approved in a referendum election as provided by subsections (a) and (b) of this Code section, the governing authority of the county whose geographical boundary is conterminous with that of the special district shall adopt a resolution during the first 30 days following the certification of the result of the election imposing the sales and use tax authorized in this part on behalf of the county whose geographical boundary is conterminous with that of the special district. The resolution shall be effective on the first day of the next succeeding calendar quarter which begins more than 80 days after the adoption of the resolution. With respect to services which are billed on a regular monthly basis, however, the resolution shall become effective with the first regular billing period coinciding with or following the otherwise effective date of the resolution. A certified copy of the resolution shall be forwarded to the commissioner so that it will be received within five days after its adoption.

48-8-109.5.

(a) The sales and use tax levied pursuant to this part shall be exclusively administered and collected by the commissioner for the use and benefit of each county whose geographical boundary is conterminous with that of a special district. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter except that the sales and use tax provided in this part shall be applicable to sales of motor fuels as prepaid local tax as such term is defined in Code Section 48-8-2, to the same extent that sales of motor fuels are subject to taxation pursuant to Part 1 of this article; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state.

Dealers shall be allowed a percentage of the amount of the sales and use tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

(b) Each sales and use tax return remitting sales and use taxes collected under this part shall separately identify the location of each retail establishment at which any of the sales and use taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all sales and use taxes imposed by this part are collected and distributed according to situs of sale.

(c) The proceeds of the sales and use tax collected by the commissioner in each special district under this part shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) The remaining proceeds shall be disbursed to the governing authority of the county whose geographical boundary is conterminous with that of the special district, and each municipality located wholly or partially therein, and shall be utilized as follows:

(A) First, the proceeds shall be used to roll back, and eliminate if possible, the millage rates for any county ad valorem property tax line items levied uniformly throughout the county on homestead properties, including in all municipalities; and

(B) Next, any remaining proceeds shall be used to roll back at an equal and uniform rate across both of the following categories, and eliminate if possible:

(i) The millage rates for any county ad valorem property tax line items levied only in unincorporated portions of the county on homestead properties; and

(ii) The millage rates for any municipal ad valorem property tax line items levied in every municipality located wholly or partially in the county on homestead properties but not in unincorporated portions of the county.

If any municipality is located partially in the county, then only that portion so located shall be considered in the calculations contained in this subsection.

(d) Notwithstanding any provision of the law to the contrary, in any special district levying a tax under this part, a tax levied pursuant to the provisions of Part 1 of Article 3 of this chapter in such special district shall be divided between the county whose geographical boundary is conterminous with that of the special district and municipalities on a per capita basis, based on the most recent decennial census, unless altered by an intergovernmental agreement between the county and all municipalities within the special district. Notwithstanding any provision of law to the contrary, the department shall disburse directly to each municipality its share of the proceeds of the tax levied pursuant to Part 1 of Article 3 of this chapter.

(e) The tax levied in the special district under Part 1 of Article 3 of this chapter shall not be levied within the boundaries of any municipality wholly or partially located

within the special district that is levying a tax pursuant to Article 4 of this chapter. No proceeds from the tax levied in the special district under Part 1 of Article 3 of this chapter shall be disbursed to any such municipality. Upon the expiration of the tax levied under Article 4 of this chapter in such municipality, the tax in the special district under Part 1 of Article 3 of this chapter shall be levied within such municipality and proceeds shall be disbursed to such municipality in accordance with this part.

48-8-109.6.

Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the sales and use tax may be credited against the sales and use tax authorized to be imposed by this part upon the same property. If the amount of sales or use tax so paid is less than the amount of the use tax due under this part, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this part. The commissioner may require such proof of payment in another local tax jurisdiction as the commissioner deems necessary and proper. No credit shall be granted, however, against the sales and use tax imposed under this part for tax paid in another jurisdiction if the sales and use tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the special district or in the county which is conterminous with the special district; and sales and use taxes so paid in another jurisdiction shall be credited first against the sales and use tax levied under this part and then against the sales and use tax levied under Article 3 of this chapter, if applicable.

48-8-109.7.

(a) Whenever the governing authority of any county whose geographic boundary is conterminous with that of the special district in which the sales and use tax authorized by this part is being levied wishes to submit to the electors of the special district the question of whether the sales and use tax authorized by this part shall be discontinued, the governing authority shall notify the election superintendent of the county whose geographical boundary is conterminous with that of the special district by forwarding to the superintendent a copy of a resolution of the governing authority calling for the 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 discontinuing the levy of the sales and use tax to the voters of the special district 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. Such election shall be conducted only on the date of and in conjunction with an election to repeal the special purpose local option sales and use tax pursuant to the provisions of Part 1 of Article 3 of this chapter. If either such sales and use tax is repealed, then both such sales and use taxes shall be repealed. 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 equalized homestead option sales and use tax of 1 percent being levied within the special district within _____ County
 NO for the purposes of reducing the ad valorem property tax millage rates levied by county and municipal governments on homestead properties be terminated?'

(b) All persons desiring to vote in favor of discontinuing the sales and use tax shall vote 'Yes,' and those persons opposed to discontinuing the tax shall vote 'No.' If more than one-half of the votes cast are in favor of discontinuing the sales and use tax, then the sales and use tax shall cease to be levied on the last day of the taxable year following the taxable year in which the commissioner receives the certification of the result of the election; otherwise, the sales and use tax shall continue to be levied, and the question of discontinuing the tax may not again be submitted to the voters of the special district until after 24 months immediately following the month in which the election was held. 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 and certify the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be borne by the county whose geographical boundary is conterminous with that of the special district holding the election.

48-8-109.8.

No sales and use tax provided for in this part shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the sales and use tax is imposed under this part regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the Federal Motor Carrier Safety Administration or the Georgia Department of Public Safety.

48-8-109.9.

(a) As used in this Code section, the term 'building and construction materials' means all building and construction materials, supplies, fixtures, or equipment, any combination of such items, and any other leased or purchased articles when the materials, supplies, fixtures, equipment, or articles are to be utilized or consumed during construction or are to be incorporated into construction work pursuant to a bona fide written construction contract.

(b) No sales and use tax provided for in this part shall be imposed in a special district upon the sale or use of building and construction materials when the contract pursuant to which the materials are purchased or used was advertised for bid prior to approval of

the levy of the sales and use tax by the county whose geographical boundary is conterminous with that of the special district and the contract was entered into as a result of a bid actually submitted in response to the advertisement prior to approval of the levy of the sales and use tax.

48-8-109.10.

The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the sales and use tax authorized to be imposed by this part."

SECTION 3.

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

The following amendment was read and adopted:

Representatives Willard of the 51st, Jacobs of the 80th, and Taylor of the 79th offer the following amendment:

Amend the substitute to HB 215 (LC 34 4500S) by deleting line 486 and inserting in lieu thereof the following:

tax at the same rate as provided in Part 1 of this article. Except as otherwise provided in this part, the

By deleting "of 1 percent" on lines 523 and 648.

The Committee substitute, as amended, was adopted.

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

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

Y Abrams	N Coomer	Y Harbin	Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	N Harrell	N Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
N Atwood	Y 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	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	N Pak	Y Stephenson
E Bell	N Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland

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

On the passage of the Bill, by substitute, as amended, the ayes were 128, nays 35.

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

By unanimous consent, the following Bills of the House were postponed until the next legislative day:

HB 16. By Representative Prince of the 127th:

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

HB 89. By Representatives Bruce of the 61st, Brooks of the 55th, Beasley-Teague of the 65th, Reeves of the 34th and Jones of the 53rd:

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

HB 476. By Representatives Fludd of the 64th, Bruce of the 61st, Bell of the 58th, Mabra of the 63rd, Kaiser of the 59th and others:

A BILL to be entitled an Act to repeal the amendment to the Constitution of Georgia creating within Fulton County the Fulton County Industrial District and prohibiting the governing authority of Fulton County from levying any tax for educational purposes within such district; to provide for a referendum with respect to the effectiveness of the foregoing; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

HB 514. By Representatives Bruce of the 61st, Fludd of the 64th, Kaiser of the 59th, Mabra of the 63rd, Jones of the 53rd and others:

A BILL to be entitled an Act to incorporate the City of South Fulton in Fulton County; to repeal conflicting laws; and for other purposes.

HB 515. By Representatives Mitchell of the 88th, Holcomb of the 81st and Henson of the 86th:

A BILL to be entitled an Act to incorporate the City of Tucker in DeKalb County; to repeal conflicting laws; and for other purposes.

HB 520. By Representatives Taylor of the 79th, Holcomb of the 81st, Fleming of the 121st and Rynders of the 152nd:

A BILL to be entitled an Act to incorporate the City of LaVista Hills in DeKalb County; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 614. By Representatives Shaw of the 176th, Nimmer of the 178th, Buckner of the 137th, Tankersley of the 160th, Frazier of the 126th and others:

A RESOLUTION commending the Georgia Rural Health Association and recognizing March 11, 2015, as Rural Health Day at the state capitol; and for other purposes.

HR 615. By Representative Greene of the 151st:

A RESOLUTION commending D & J Plastics, Inc., on their expansive growth; and for other purposes.

HR 616. By Representatives Greene of the 151st, Rynders of the 152nd, Cooper of the 43rd and Ealum of the 153rd:

A RESOLUTION recognizing the 10th anniversary of the Southwest Campus of the Medical College of Georgia; and for other purposes.

HR 617. By Representatives Thomas of the 56th, Jones of the 53rd, Alexander of the 66th and Stovall of the 74th:

A RESOLUTION commending the Atlanta Job Corps Center; congratulating the Job Corps on the grand occasion of its 50th anniversary; and recognizing March 24, 2015, as Job Corps Day at the state capitol; and for other purposes.

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

Mr. Speaker:

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

HB 502	Do Pass, by Substitute
HR 4	Do Pass
HR 394	Do Pass, by Substitute

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

Representative Nix of the 69th District, Chairman of the Committee on Legislative and Congressional Reapportionment, submitted the following report:

Mr. Speaker:

Your Committee on Legislative and Congressional Reapportionment 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 566 Do Pass, by Substitute

Respectfully submitted,
/s/ Nix of the 69th
Chairman

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

Mr. Speaker:

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

HB 48 Do Pass, by Substitute
HB 393 Do Pass, by Substitute
HB 417 Do Pass

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

Representative Powell of the 171st District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

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

HB 243	Do Pass, by Substitute	HB 308	Do Pass, by Substitute
HB 408	Do Pass	HB 426	Do Pass, by Substitute
HB 496	Do Pass, by Substitute		

Respectfully submitted,
/s/ Powell of the 171st
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, A.M. Wednesday, March 11, 2015.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned, pursuant to the adjournment Resolution previously adopted by the House and Senate, until 10:00 o'clock, A.M. Wednesday, March 11, 2015.