

Representative Hall, Atlanta, Georgia

Friday, March 20, 2015

Thirty-Third Legislative Day

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

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

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

Due to a mechanical malfunction, Representatives Ealum of the 153rd, Tankersley of the 160th, and Waites of the 60th were not recorded on the attendance roll call. They wished to be recorded as present.

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

Representatives Casas of the 107th, Jacobs of the 80th, Kirby of the 114th, Maxwell of the 17th, Mosby of the 83rd, Oliver of the 82nd, Rakestraw of the 19th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Reverend Frederick D. Favors, Pastor, Springfield Baptist Church, Thompson, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

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

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

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

HB 631. By Representatives Cantrell of the 22nd, Turner of the 21st, Caldwell of the 20th, Ballinger of the 23rd and Carson of the 46th:

A BILL to be entitled an Act to amend an Act creating the Board of Ethics of Cherokee County, approved September 18, 1991 (Ga. L. 1991, Ex. Sess., p.

411), so as to define a term; to provide for limitation of liability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 632. By Representatives Wilkerson of the 38th, Bruce of the 61st, Evans of the 42nd, Jones of the 53rd, Reeves of the 34th and others:

A BILL to be entitled an Act to amend an Act known as the "South Cobb Development Authority Act," approved April 12, 1982 (Ga. L. 1982, p. 3772), as amended, so as to change the definition of certain terms; to change certain powers and duties; to provide for boundaries; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 633. By Representatives Beskin of the 54th, Wilkinson of the 52nd, Golick of the 40th, Bruce of the 61st, Jacobs of the 80th and others:

A BILL to be entitled an Act to provide a homestead exemption from City of Atlanta independent school district ad valorem taxes for educational purposes in the amount of the assessed value of the homestead for residents of that school district who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 634. By Representatives Clark of the 101st, Coleman of the 97th, Chandler of the 105th, Floyd of the 99th, Harrell of the 106th and others:

A BILL to be entitled an Act to amend an Act incorporating the City of Lawrenceville, approved March 28, 1986 (Ga. L. 1986, p. 4961), as amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4128), so as to amend corporate boundaries of such city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 636. By Representative Morris of the 156th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 637. By Representatives Morris of the 156th, Pruett of the 149th and LaRiccia of the 169th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 638. By Representative Gardner of the 57th:

A BILL to be entitled an Act to repeal the amendment to the Constitution of Georgia providing that, upon extension of the corporate limits of the City of Atlanta into Fulton County, the territory embraced therein shall become part of the independent school system of the City of Atlanta and shall cease to be a part of the school system of the county and that the school property located within the area embraced in the extension shall become the property of the City of Atlanta (Res. Act No. 73; H. R. No. 182-969j; Ga. L. 1950, p. 458), which was continued under the 1983 Constitution of the State of Georgia by an Act approved March 26, 1986 (Ga. L. 1986, p. 4812); to provide for a referendum with respect to the effectiveness of the foregoing; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 707. By Representative Pruett of the 149th:

A RESOLUTION honoring the life of Lance Corporal Melvin Poole and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 618	HB 619
HB 620	HB 621
HB 622	HB 623
HB 624	HB 625
HB 626	HB 627
HB 628	HB 629
HB 630	HB 635
HR 685	HR 686
HR 687	SB 211
SB 212	

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

Mr. Speaker:

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

HB 617 Do Pass

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

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

HOUSE RULES CALENDAR
FRIDAY, MARCH 20, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 33rd Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

SB 51 Pharmacists and Pharmacies; provide for substitutions of interchangeable biological products (Substitute)(H&HS-Cooper-43rd) Burke-11th

Structured Rule

None

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

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

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

HB 617. By Representatives Carson of the 46th, Parsons of the 44th, Dollar of the 45th, Wilkerson of the 38th, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved April 10, 2014 (Ga. L. 2014, p. 4267), an Act approved May 12, 2008 (Ga. L. 2008, p. 3723), and an Act approved May 30, 2003 (Ga. L. 2003, p. 3695), so as to raise the compensation of the chief deputy clerk and the clerk of the State Court of Cobb County; to raise the minimum and maximum allowable compensation for the chief assistant, each deputy chief assistant, each assistant, and each intake assistant solicitor of Cobb County; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

HB 254. By Representatives Corbett of the 174th, Spencer of the 180th, Shaw of the 176th and Nimmer of the 178th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Waycross, approved August 17, 1909 (Ga. L. 1909, p. 1456), as amended, particularly by an Act approved April 13, 1989 (Ga. L. 1989, p. 4916), an Act approved April 13, 1992 (Ga. L. 1992, p. 6055), and an Act approved April 4, 1997 (Ga. L. 1997, p. 3814), so as to rename the police court as the municipal court and provide new provisions for the operation of that court; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing a new charter for the City of Waycross, approved August 17, 1909 (Ga. L. 1909, p. 1456), as amended, particularly by an Act approved April 13, 1989 (Ga. L. 1989, p. 4916), an Act approved April 13, 1992 (Ga. L. 1992, p. 6055), and an Act approved April 4, 1997 (Ga. L. 1997, p. 3814), so as to change the term recorder to judge of municipal court of Waycross; to rename the police court as the municipal court and provide new provisions for the operation of that court; to change the name of the recorder to the judge of municipal 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.

An Act providing a new charter for the City of Waycross, approved August 17, 1909 (Ga. L. 1909, p. 1456), as amended, particularly by an Act approved April 13, 1989 (Ga. L. 1989, p. 4916), an Act approved April 13, 1992 (Ga. L. 1992, p. 6055), and an Act approved April 4, 1997 (Ga. L. 1997, p. 3814), is amended by revising paragraph (1) of subsection (d) of Section 15 as follows:

"(1) To preside at meetings of the commission, and he shall have all the rights, powers, and duties and responsibilities as a commission member except that the mayor shall be entitled to vote on matters before the mayor and commission only where there is an equal division on the question, and then the mayor shall determine the matter by his vote. The mayor shall also be entitled to vote on the election of the

following officers and employees of the commission: mayor pro tempore, city manager, city attorney, and judge of the municipal court."

SECTION 2.

Said Act is further amended by revising Section 59 as follows:

"SECTION 59. Municipal court.

(1) Creation.

(A) There shall be a court to be known as the Municipal Court of the City of Waycross (hereinafter referred to as 'municipal court'), the same is hereby granted all such powers as are inherent in courts generally and as usually belong to municipal courts under the laws of this state, as well as those hereinafter more particularly set forth.

(B) The municipal court shall be held at such place as the city commission shall prescribe by ordinance, or as may be necessitated by the emergencies of the case.

(2) Judge.

(A) No person shall be eligible to serve as judge of municipal court unless such person shall be, at the time of qualification, at least 25 years of age, shall be a resident of the Waycross Judicial Circuit, and shall be a licensed, practicing attorney at law in good standing with the State Bar of Georgia.

(B) Any person selected to be judge of said court shall preside over said court and shall try and determine all cases therein, without a jury. Said person shall be clothed with all the powers as judge of said court as set forth in this charter, the ordinances of the City of Waycross, Georgia, and as provided by law.

(C) Before entering upon his or her duties of office, said person shall take and subscribe to the following oath, which shall be entered upon the minutes of the commission, and said oath taken and subscribed shall comply with the requirements of Code Sections 45-3-1 through 45-3-10 of the O.C.G.A.:

'I solemnly swear (or affirm) that I will uprightly demean myself as Judge of the Municipal Court of the City of Waycross and that I will faithfully and impartially discharge all the duties incumbent on me as presiding Judge of said municipal court of said city, according to the best of my ability and understanding. I further swear (or affirm) that I am not the holder of any unaccounted for public money due to the State of Georgia, or any political subdivision or authority thereof, and am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which state by the laws of the State of Georgia I am prohibited from holding; and that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I swear (or affirm) that I will uphold and support the Constitution of the United States, and the Charter and Ordinances of the City of Waycross, and the laws and Constitution of the State of Georgia, so help me God.'

(D) The judge shall hold court at stated hours, Sundays excepted, or as often as the exigencies of business demand. In case the judge is absent from the city, sick, disqualified, or for other cause is unable to hold court, the judge pro tempore may preside and act as judge of said court in the place of said judge and, while so doing, shall be clothed with all the rights and powers of the judge of said court.

(E) The judge of said court and the judge pro tempore of said court shall serve at the pleasure of the commission of the City of Waycross.

(F) The judge of said court and the judge pro tempore shall be selected by the commission of the City of Waycross in the same manner as the city manager for a term of one year.

(G) In case a vacancy shall occur in the office of the judge of municipal court, such vacancy shall be filled by the commission of the City of Waycross.

(3) Jurisdiction, powers.

(A) The municipal court shall have jurisdiction to try and determine all offenses against the laws and ordinances of the city committed within the jurisdictional limits of the city, and upon conviction, to punish the offenders for the violation of such laws and ordinances by imposing such fines and sentences, and inflicting such punishment as shall be prescribed by the provisions of this Act and the ordinances and resolutions adopted in pursuance thereof. The judge or judge pro tempore of the municipal court shall have the power to impose fines and inflict punishments after conviction upon all violations of the laws and ordinances of said city by fine not to exceed \$1,000.00, or by labor on the streets or public works of said city under the control and direction of the proper officers, not to exceed six months, or by confinement not to exceed six months, either one or more or all, in the discretion of the judge or judge pro tempore trying the case. Upon failure or refusal of any person to pay promptly any fine or costs imposed by the municipal court, the same may be enforced and collected by an execution issued and directed as is provided for the issuance and collection of tax executions by the city and levies may be made and sales thereunder may be conducted in the same way, this method being cumulative and to be used at the option of the commission of the City of Waycross.

(B) The municipal court shall have jurisdiction to try and determine all misdemeanor traffic offenses as authorized by Code Sections 40-6-372 through 40-6-376 of the O.C.G.A., and such other offenses as authorized presently, or in the future, by state law. The municipal court may prescribe punishment for offenses within its jurisdiction to the fullest extent allowed by state law.

(C) The municipal court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing; provided that such fines or imprisonment does not exceed the statutory limits as now exist or thereafter provided by law.

(D) The municipal court shall have jurisdiction to forfeit all appearance bonds and recognizances returnable to said court and to hear, try and determine all issues made therein and to render judgment on the same; and also, to try all nuisances and

questions arising in reference thereto and to grant judgments for the abatement of the same and for the removal thereof.

(E) The municipal court shall have authority to recommend to the city commission for approval of a schedule of fees to defray the cost of operation.

(F) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding at such time and an execution issued thereon by serving the defendant and his or her surety, or sureties, with a rule nisi at least three days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Waycross, or the property so deposited shall have a lien against it for the value forfeited.

(G) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.

(H) The municipal court shall have the authority to administer oaths and to perform all other acts necessary and proper for the conduct of court.

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

(J) The municipal court shall have the authority to punish those in its presence for contempt; provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such municipal courts.

(K) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Waycross granted by state laws generally to municipal courts, including the power to impose sentences for those offenses that carry a maximum penalty under state law of up to 12 months imprisonment, and particularly by such laws as authorize the abatement of nuisances.

(L) The judge or judge pro tempore of the municipal court shall have and are given the same powers and authorities as magistrates in the matter of and pertaining to criminal cases of whatever nature in the several courts of this state. The judge or judge pro tempore are authorized and empowered to issue warrants for offenses committed within the jurisdiction of the City of Waycross for police purposes, against the penal laws of the state, this either before or after the hearing or trial of the charge in said municipal court, and consequently where, in the course of an investigation of a matter in said municipal court, it shall appear that the penal laws of the state have been violated, it shall be the duty of the judge or judge pro tempore

to bind over the offender to the proper court having jurisdiction of such matter in said County of Ware; and to that end, the judge or judge pro tempore shall have the power and authority to commit such offender or offenders to the county jail of said county or admit them to bail, inailable cases, for their appearance at the next term of a court of competent jurisdiction to be held in and for said county.

(4) Contempt.

(A) The judge or judge pro tempore of the municipal court shall have the authority to issue attachment and inflict summary punishment for contempt of court in cases of:

- (i) Misbehavior of any person or persons in the presence of such court or so near thereto as to obstruct the administration of justice;
- (ii) Misbehavior of any of the officers of the court in their official transactions; or
- (iii) Disobedience or resistance of any officer of the court, party, juror, witness, or other person or persons to any lawful writ, processed order, rule, decree, or command of the court.

(B) The judge or judge pro tempore of the municipal court shall have the power and authority to punish for contempt by fine not to exceed \$1,000.00, or confinement not to exceed 20 days, either one or both, in the discretion of the judge or judge pro tempore trying the case. Upon failure or refusal of any person to pay promptly any fine or cost imposed by said judge or judge pro tempore, the same may be enforced and collected by an execution issued and directed as is provided for the issuance and collection of tax executions by the city and levies may be made and sales thereunder may be conducted in the same way, this method being cumulative and to be used at the option of the commission of the City of Waycross.

(5) Docket. There shall be kept one or more dockets, on which shall appear the name of each person arrested by the officers of the city for any offense against the municipal ordinances or laws in force within the jurisdictional limits of the city, and a brief and clear statement of the offense with which such person is charged. Upon the trial of such person, the sentence imposed or the disposition made of the case shall be entered in writing opposite the name and charge by judge or judge pro tempore of said court, which respective entries shall be signed by the judge or judge pro tempore in such cases.

(6) Summons and subpoenas.

(A) The municipal court shall have the power to compel the attendance of persons charged with the violation of any ordinance or law within the jurisdiction of the municipal court, by summons, which summons shall be issued by the city clerk and bear testament in the name of the judge of municipal court, and shall set forth the nature of the charge or case, and the time set for trial or hearing, and shall be served upon the defendant by any officer or member of the police force. Likewise, said court shall have the power to compel the attendance of witnesses in all proceedings by issuing subpoenas which shall be similarly issued and served as are summons.

(B) The municipal court shall have the power to punish any person disobeying such summons or subpoena as for contempt. Any person who may be charged with

contempt may be arrested by attachment in writing or warrant signed by the judge or judge pro tempore, which said attachment or warrant shall be executed by any member of the police force.

(7) Trial. The cases before the municipal court shall be tried as speedily as possible. With due regard to the rights of the accused and of the city, continuances may be granted by the court upon proper showing made, in accordance with the rules governing such matters in the superior courts of this state, but such continuances shall be only until a time when the case can be properly tried in the discretion of the presiding judge or judge pro tempore.

(8) Bonds and forfeitures.

(A) When any person who is charged with an offense against the laws or ordinances of the city, or who is arrested for such offense, shall give bond for his or her appearance at any session of municipal court, and if such person shall fail to appear at the time appointed in said bond, then and in such event, said bond shall be forfeited and the amount of same collected from the principal and sureties thereon in a manner to be provided for by ordinance of the city. And said commission is hereby expressly authorized and empowered to provide by ordinance for the forfeiture and collection of such appearance bonds similarly to the way in which they are forfeited and collected in the superior courts of this state, and said municipal court is hereby clothed with full power and authority to forfeit said appearance bonds and grant judgments upon the same for the amounts thereof, in the same way that superior courts grant such judgments. On the entering of such judgment, the city clerk shall issue an execution against the principal and surety or sureties on such bonds in conformity with such judgment, and in the form and manner prescribed for executions issued by the city for taxes, and the city shall proceed to enforce and collect the same as tax executions of the city are enforced and collected.

(B) In any case where any person charged with an offense brought in the municipal court, or arrested for such offenses, has deposited a sum of money as a bond for his appearance in said municipal court, and similarly where some other party has deposited a sum of money for the appearance of such person in said municipal court, then and in the event such person does not appear at the time appointed, for whose appearance such sum of money was deposited in lieu of a bond as aforesaid, said sum of money shall be forfeited instantly by the judgment of the municipal court entered upon the municipal court docket and shall be paid over to the City of Waycross.

(C) No resident of Ware County, Georgia, who is not a resident of the City of Waycross, Georgia, shall be prohibited from giving a property bond, solely on the basis of residency for the appearance in the municipal court of a person who is charged with an offense against the laws or ordinances of the City of Waycross. The means and method for giving bond, forfeiture of bond, execution, and judgment thereon shall be established by the code of the City of Waycross, Georgia, the ordinances and laws applicable to the City of Waycross, Georgia.

(D) If Ware County residents who are not residents of the City of Waycross give bond for a person or persons to appear in the municipal court, and if such person shall fail to appear at the time appointed in said bond, then in such event, said bond shall be forfeited and the amount of same collected from the principal and his sureties as established by the ordinances and laws of the City of Waycross, Georgia, and general laws of the State of Georgia applicable to said court. Any ordinances and laws in effect at the time this ordinance is adopted, as well as any amendments that may be adopted from time to time thereafter, shall apply to persons and bonds which are given by Ware County residents who are non-residents of the City of Waycross.

(9) Costs. Said commission shall have the power to provide by ordinance for the charge and collection of all items of costs in cases brought into said municipal court, such as are usually incident and lawfully chargeable to the prosecution of said cases, same to be added to the amount of the fines imposed and collected, and then to be paid over to the proper officers for whose use they are charged.

(10) Certiorari. The right of certiorari from the decision and judgment of the municipal court shall exist in all cases, and any and all persons who shall complain, and take exception at any decision or judgment rendered in said municipal court, shall have the right to have same reviewed by a writ of certiorari which shall be applied for, issued and heard and determined under the provisions of the laws of the State of Georgia in such cases made and provided."

SECTION 3.

Said Act is further amended by revising Section 105 as follows:

"SECTION 105.

City attorney, judge of municipal court; separate offices.

The offices of city attorney and judge, or judge pro tempore, of municipal court, shall be separate and distinct offices, and the judge, or judge pro tempore, of municipal court shall not be competent or eligible to hold the office of city attorney of the city during the term for which he or she was elected or selected."

SECTION 4.

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

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

On the passage of the Bill, and on the agreement to the Senate substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	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	E Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Nimmer	Y Smyre
E Ballinger	Y Dempsey	E 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
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	E Stephenson
Y Bell	Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	E Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	E Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruet	Y Teasley
Y Brooks	Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	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	E Watson
Y Caldwell, M	Y Fludd	E Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E 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	E McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, and on the agreement to the Senate substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, and the House has agreed to the Senate substitute.

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

Mr. Speaker:

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

HB 345. By Representatives Trammell of the 132nd and Nix of the 69th:

A BILL to be entitled an Act to amend an Act to incorporate the City of Hogansville in Troup County, Georgia, approved February 13, 1976 (Ga. L. 1976, p. 2588), as amended, so as to provide for certain procedures for the filling of vacancies in the office of mayor or councilmember; to repeal conflicting laws; and for other purposes.

HB 479. By Representatives Dickey of the 140th and Peake of the 141st:

A BILL to be entitled an Act to create the City of Forsyth Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation, to have the responsibility and authority to promote tourism, trade, and conventions in the City of Forsyth, Georgia; to provide for creation and organization of the authority; to provide for a purpose; to provide for powers, duties, and authority; to provide for a board of directors, membership, terms of office, and removal from office; to provide for an executive director and his or her duties and powers; to provide for meetings; to limit liability; to provide for a budget and finances; to provide for oversight; to provide that the city not be bound; to provide definitions; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 532. By Representatives Reeves of the 34th, Carson of the 46th, Cooper of the 43rd, Wilkerson of the 38th, Parsons of the 44th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in Cobb County and each municipality therein, approved March 20, 1985 (Ga. L. 1985, p. 4009), as amended, so as to add a certain provision relating to the powers of such districts; to repeal conflicting laws; and for other purposes.

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

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

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

Representatives Atwood of the 179th, Thomas of the 39th et al., Randall of the 142nd et al., Stovall of the 74th, Stover of the 71st, Coomer of the 14th, Jones of the 62nd, Taylor of the 173rd, Gravely of the 67th et al., and Kelley of the 16th et al.

Pursuant to HR 603, the House congratulated Christopher and Ginger Martin upon being honored with the 2015 National Outstanding Young Farmer award and invited them, their two children, Grantson and Wellsley, and Mark Freeman to be recognized by the House of Representatives.

Pursuant to HR 75, the House commended Maya Van Wagenen, a 16-year-old award-winning teen author, and invited her to be recognized by the House of Representatives.

Pursuant to HR 689, the House commended the North Cobb High School Lady Warrior volleyball team for winning the 2014 Class 6A GHSA State Championship and invited them to be recognized by the House of Representatives.

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

SB 4	Do Pass, by Substitute
SB 125	Do Pass, by Substitute
SB 169	Do Pass, by Substitute

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

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

SB 51. By Senators Burke of the 11th, Watson of the 1st, Hufstetler of the 52nd, Millar of the 40th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for substitutions of interchangeable biological products; to define

certain terms; to provide for requirements and limitations; 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 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for substitutions of interchangeable biological products; to define certain terms; to provide for requirements and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-5, relating to definitions, by adding new paragraphs to read as follows:

"(1.1) 'Biological product' means a biological product as defined in subsection (i) of section 351 of the Public Health Service Act, 42 U.S.C. Section 262."

"(18.2) 'Interchangeable biological product' means a biological product that the federal Food and Drug Administration has determined meets the standards set forth in subsection (k)(4) of 42 U.S.C. Section 262 or has been deemed therapeutically equivalent by the federal Food and Drug Administration."

SECTION 2.

Said chapter is further amended by revising Code Section 26-4-81, relating to substitution of generic drugs for brand name drugs, as follows:

"26-4-81.

(a) In accordance with this Code section, a pharmacist may substitute:

(1) A a drug with the same generic name in the same strength, quantity, dose, and dosage form as the prescribed brand name drug product which is, in the pharmacist's reasonable professional opinion, pharmaceutically equivalent; or

(2) A biological product with an interchangeable biological product.

(b) If a practitioner of the healing arts prescribes:

(1) A a drug by its generic name, the pharmacist shall dispense the lowest retail priced drug product which is in stock and which is, in the pharmacist's reasonable professional opinion, pharmaceutically equivalent; or

(2) A biological product by its nonproprietary name, the pharmacist shall dispense the lowest retail priced interchangeable biological product which is in stock.

(c) Substitutions as provided for in subsections (a) and (b) of this Code section are authorized for the express purpose of making available to the consumer the lowest retail priced:

(1) Drug ~~drug~~ product which is in stock and which is, in the pharmacist's reasonable professional opinion, both therapeutically equivalent and pharmaceutically equivalent;
or

(2) Interchangeable biological product which is in stock.

(d)(1) Whenever a substitution is made, the pharmacist shall record on the original prescription the fact that there has been a substitution and the identity of the dispensed drug product or interchangeable biological product and its manufacturer. Such prescription shall be made available for inspection by the board or its representative in accordance with the rules of the board.

(2) If a pharmacist substitutes a generic drug product for a brand name prescribed drug product when dispensing a prescribed medication, the brand name and the generic name of the drug product, with an explanation of 'generic for (insert name of brand name prescribed drug product)' or similar language to indicate substitution has occurred, must appear on the prescription label and be affixed to the container or an auxiliary label, unless the prescribing practitioner indicated that the name of the drug may not appear upon the prescription label; provided, however, that this paragraph shall not apply to medication dispensed for in-patient hospital services or to medications in specialty packaging for dosing purposes as defined by the board.

(3) If a pharmacist substitutes an interchangeable biological product for a prescribed biological product when dispensing a prescribed medication, the name of the interchangeable biological product, with an explanation of 'interchangeable biological product for (insert name of prescribed biological product)' or similar language to indicate substitution has occurred, must appear on the prescription label and be affixed to the container or an auxiliary label, unless the prescribing practitioner indicated that the name of the biological product may not appear upon the prescription label; provided, however, that this paragraph shall not apply to biological products dispensed for in-patient hospital services, to hospital administered biological products for outpatients, or to biological products in specialty packaging for dosing purposes as defined by the board. This paragraph shall apply to hospital retail pharmacies and to any biological products dispensed by a hospital for a patient's use or administration at home.

(e) The substitution of any drug or biological product by a registered pharmacist pursuant to this Code section does not constitute the practice of medicine.

(f) A patient for whom a prescription drug or biological product order is intended may instruct a pharmacist not to substitute a generic name drug in lieu of a brand name drug or an interchangeable biological product in lieu of a prescribed biological product.

(g) A practitioner of the healing arts may instruct the pharmacist not to substitute a generic name drug in lieu of a brand name drug or an interchangeable biological product in lieu of a prescribed biological product by including the words 'brand necessary' in the body of the prescription. When a prescription is a hard copy

prescription drug or biological product order, such indication of brand necessary must be in the practitioner's own handwriting and shall not be printed, applied by rubber stamp, or any such similar means. When the prescription is an electronic prescription drug or biological product order, the words 'brand necessary' are not required to be in the practitioner's own handwriting and may be included on the prescription in any manner or by any method. When a practitioner has designated 'brand necessary' on an electronic prescription drug or biological product order, a generic drug or interchangeable biological product shall not be substituted without the practitioner's express consent, which shall be documented by the pharmacist on the prescription and by the practitioner in the patient's medical record.

(h) Within 48 hours, excluding weekends and holidays, following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall communicate to the prescriber the specific product provided to the patient, including the name of the biological product and the manufacturer. The communication shall be conveyed by making an entry into an interoperable electronic medical records system or through electronic prescribing technology or a pharmacy record that is electronically accessible by the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber by using facsimile, telephone, electronic transmission, or other prevailing means, provided that communication shall not be required where:

(1) There is no interchangeable biological product approved by the federal Food and Drug Administration for the prescribed product; or

(2) A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

(i) The board shall maintain a link on its website to the current list of all biological products determined by the federal Food and Drug Administration to be interchangeable with a specific biological product.

(j) Code Section 26-4-118, 'The Pharmacy Audit Bill of Rights,' shall apply to biological products and interchangeable biological products dispensed pursuant to this Code section."

SECTION 3.

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

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

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

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

Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
E Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Oliver	Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	E Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	E Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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	E Watson
Y Caldwell, M	Y Fludd	E 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
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	E 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	E McClain	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 0.

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

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

HR 726. By Representative Cheokas of the 138th:

A RESOLUTION recognizing and commending Georgos Panagiotidis, Consul of the Greek Government, on the grand occasion of Greek Independence Day and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 709 Do Pass

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

HR 709. By Representatives Wilkerson of the 38th, Evans of the 42nd, Bruce of the 61st, Jones of the 53rd, Dollar of the 45th and others:

A RESOLUTION congratulating the McEachern High School Lady Indians Basketball Team for their excellent performance at the Class AAAAAA State Championship game and inviting them to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 727. By Representative Hitchens of the 161st:

A RESOLUTION recognizing, honoring, and commending Clyde Green Chapman and Theron C. Chapman on the occasion of their 70th wedding anniversary; and for other purposes.

HR 728. By Representatives Bentley of the 139th, Scott of the 76th, Glanton of the 75th, Waites of the 60th and Stovall of the 74th:

A RESOLUTION commending Ladies of Favor; and for other purposes.

HR 729. By Representatives Bentley of the 139th, Scott of the 76th, Glanton of the 75th, Waites of the 60th and Stovall of the 74th:

A RESOLUTION commending Gabrielle F. Starr; and for other purposes.

HR 730. By Representative Marin of the 96th:

A RESOLUTION commending Latino media and recognizing March 24, 2015, as Latino Media Day at the state capitol; and for other purposes.

HR 731. By Representatives Rogers of the 10th and Gasaway of the 28th:

A RESOLUTION commending Prevent Child Abuse Habersham and recognizing April, 2015, as Prevent Child Abuse Awareness Month at the state capitol; and for other purposes.

HR 732. By Representatives Scott of the 76th, Jordan of the 77th, Waites of the 60th, Stovall of the 74th, Douglas of the 78th and others:

A RESOLUTION honoring the life and memory of Willie Lawrence Dawson; and for other purposes.

HR 733. By Representatives Scott of the 76th, Douglas of the 78th and Jordan of the 77th:

A RESOLUTION recognizing and commending Mildred Clemons Schmelz on her outstanding public service; and for other purposes.

HR 734. By Representatives Scott of the 76th, Jordan of the 77th, Waites of the 60th, Stovall of the 74th, Douglas of the 78th and others:

A RESOLUTION honoring the life and memory of Darryl Deon Wallace; and for other purposes.

HR 735. By Representatives Barr of the 103rd, Rogers of the 29th, Dunahoo of the 30th, Duncan of the 26th, Hawkins of the 27th and others:

A RESOLUTION commending Corporal Jason Roberson of the Georgia Department of Natural Resources Law Enforcement Division on being named the 2014 Boating Safety Officer the Year; and for other purposes.

HR 736. By Representatives Petrea of the 166th, Stephens of the 164th, Hitchens of the 161st, Gordon of the 163rd, Stephens of the 165th and others:

A RESOLUTION congratulating the Benedictine High School Cadets football team for winning the 2014 Class AA State Championship; and for other purposes.

HR 737. By Representatives Corbett of the 174th, Carter of the 175th and Shaw of the 176th:

A RESOLUTION recognizing and commending the Georgia Christian School girls basketball team on winning the GISA Class AA State Championship; and for other purposes.

HR 738. By Representative Pruett of the 149th:

A RESOLUTION recognizing and commending Mr. Eddie Selph on the grand occasion of his retirement; and for other purposes.

HR 739. By Representatives Willard of the 51st and Wilkinson of the 52nd:

A RESOLUTION congratulating and commending Boy Scout Troop 463 of Sandy Springs, Georgia, on its 50th anniversary; and for other purposes.

HR 740. By Representative Tanner of the 9th:

A RESOLUTION commending Donna and Tony Gerrish and their family for their efforts to eradicate aggressive driving in Georgia; and for other purposes.

HR 741. By Representative Parrish of the 158th:

A RESOLUTION honoring the life and memory of J. Carlton Jay Lawson; and for other purposes.

HR 742. By Representatives Dempsey of the 13th, Lumsden of the 12th, Hitchens of the 161st, Coomer of the 14th, O'Neal of the 146th and others:

A RESOLUTION commending Dr. Daniel Todd for providing excellent veterinary care to Floyd County Law Enforcement and Georgia State Patrol service dogs; and for other purposes.

Representative Yates of the 73rd District, Chairman of the Committee on Defense and Veterans Affairs, submitted the following report:

Mr. Speaker:

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

SB 69 Do Pass

Respectfully submitted,
/s/ Yates of the 73rd
Chairman

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

Mr. Speaker:

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

HB 76. By Representatives Ralston of the 7th, Jones of the 47th, O`Neal of the 146th and England of the 116th:

A BILL to be entitled an Act to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2015, and ending June 30, 2016; to make and provide such appropriations for the operation of the state government and its departments, boards, bureaus, commissions, institutions, and other agencies, for the university system, common schools, counties, municipalities, and political subdivisions, for all other governmental activities, projects, and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 23, 2015, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, March 23, 2015.