

**Representative Hall, Atlanta, Georgia****Friday, March 27, 2015****Thirty-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 Taft Quincey Heatley, Executive Pastor, Ray of Hope Christian Church, Ellenwood, 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 679. By Representative Kidd of the 145th:

A BILL to be entitled an Act to amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to review of individual's criminal history record information, so as to provide for a petition to restrict criminal record information relating to certain minors convicted of violating Code Section 40-6-391 under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HB 680. By Representatives Setzler of the 35th, Fleming of the 121st, Brockway of the 102nd and Caldwell of the 20th:

A BILL to be entitled an Act to amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, so as to require completion of education prior to filing a petition for divorce; to provide for the persons and entities authorized to offer to provide the education; to make certain changes relating to contents of a petition for divorce; to provide for related matters; to provide a short title; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 681. By Representatives Carson of the 46th, Roberts of the 155th and Hamilton of the 24th:

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 provide for the installation of farm crossings and cattle guards on property which is intersected by a railroad; to provide for an independent safety study; to provide for permitted use of such farm crossings; to provide for limits on liability; to provide for the maintenance of liability coverage; to provide for the posting of certain signage; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 682. By Representatives Caldwell of the 131st, Smith of the 134th, Buckner of the 137th and Hugley of the 136th:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the control of water

pollution and surface water use, so as to regulate the return of surface water to the sources from which it was withdrawn by local government entities; to provide a short title; to require monthly reporting of water usage and returns; to provide for permit modifications in the event of unsatisfactory return percentages; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 683. By Representatives Dickerson of the 113th, Anderson of the 92nd and Stephenson of the 90th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 684. By Representatives Martin of the 49th, Clark of the 98th, Brockway of the 102nd, Abrams of the 89th and Hugley of the 136th:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dental hygienists, so as to provide for delegable services and procedures that may be performed by dental hygienists; to revise provisions regarding direct supervision of dental hygienists by dentists in certain settings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 810. By Representative Burns of the 159th:

A RESOLUTION creating the House Study Committee on Short-Term Rental Providers; and for other purposes.

Referred to the Committee on Small Business Development.

HR 811. By Representative Kidd of the 145th:

A RESOLUTION creating the House Study Committee on Casino Gaming; and for other purposes.

Referred to the Committee on Regulated Industries.

HR 830. By Representative Brockway of the 102nd:

A RESOLUTION proposing an amendment to the Constitution so as to provide for the creation, purposes, administration, cooperation with local governments, and regulation by general law of transit community improvement districts in which property may be the subject of taxes, fees, and assessments for the accomplishment of the purposes of such districts; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

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

HB 687. By Representatives Kelley of the 16th and Powell of the 171st:

A BILL to be entitled an Act to amend Code Section 47-23-64 of the Official Code of Georgia Annotated, relating to transfer of funds from the Employees' Retirement System of Georgia to the Georgia Judicial Retirement System by superior court judges, district attorneys, or solicitors-general and crediting service, so as to provide that any member of such retirement system shall be eligible to transfer funds; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 688. By Representatives Gravley of the 67th, Setzler of the 35th, Powell of the 32nd, Kelley of the 16th, Tarvin of the 2nd and others:

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 relative to law enforcement officers and agencies, so as to define certain terms; to provide that no state or local officer shall take any action to enforce federal laws relating to the purchase, possession, or use of firearms; to provide for legal standing; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

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

HB 665	HB 666
HB 667	HB 676
HB 677	HB 678
HR 787	HR 788
HR 807	HR 808
HR 809	HR 826
HR 827	HR 828
HR 829	SB 220
SB 225	

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

Mr. Speaker:

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

HB 632	Do Pass	HB 640	Do Pass
HB 646	Do Pass	HB 647	Do Pass
HB 648	Do Pass	HB 650	Do Pass
HB 658	Do Pass	HB 661	Do Pass
HB 662	Do Pass	HB 663	Do Pass
HB 664	Do Pass	HB 668	Do Pass, by Substitute
HB 669	Do Pass	HB 670	Do Pass
HB 671	Do Pass	HB 672	Do Pass
HB 673	Do Pass	HB 674	Do Pass
HB 675	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 Senate and has instructed me to report the same back to the House with the following recommendations:

SB 34 Do Pass, by Substitute  
 SB 138 Do Pass, by Substitute  
 SB 168 Do Pass

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

Representative Meadows of the 5th District, Chairman of the Committee on Rules, submitted the following report:

Mr. Speaker:

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

HR 827 Do Pass

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

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

Abrams	Coomer	Hamilton	Mitchell	Smith, L
Alexander	Cooper	Harbin	Morris	Smith, M
E Allison	Corbett	Harden	Mosby	Smith, R
Atwood	E Dawkins-Haigler	Harrell	Nimmer	Smyre
Ballinger	Deffenbaugh	Hatchett	Nix	Spencer
Barr	Dempsey	Hawkins	O'Neal	Stephens, M
Battles	Dickerson	E Henson	Pak	Stephens, R
E Beasley-Teague	Dickey	Hightower	Parrish	Stovall
Bell	Dickson	Hitchens	Parsons	Stover
Belton	Douglas	Holcomb	Peake	Strickland
Bennett	E Drenner	Holmes	Petrea	Tankersley
Benton	Dudgeon	Houston	Pezold	Tanner
Beskin	Dukes	Howard	Powell, A	Tarvin
Beverly	E Dunahoo	Jackson	Powell, J	Taylor, D
Broadrick	Duncan	Jasperse	Prince	E Taylor, T
Brockway	Ealum	Jones, J	E Pruett	Teasley
Brooks	Efstration	Jones, J.B.	Quick	Thomas, A.M.
Bruce	Ehrhart	Jones, L	Raffensperger	E Thomas, E
Bryant	England	E Jones, S	Rakestraw	Trammell
Buckner	Epps	E Jordan	Ramsey	Turner
Burns	Evans	Kaiser	Randall	Waites
Caldwell, J	Fleming	Kelley	Reeves	Watson
Caldwell, M	Floyd	E Kendrick	Rhodes	Welch

Cantrell	Fludd	Kidd	Rice	Weldon
Carson	Frazier	Knight	Roberts	Werkheiser
Carter	Frye	LaRiccia	Rogers, C	Wilkerson
Casas	Gardner	Lumsden	Rogers, T	Wilkinson
Chandler	Gasaway	Mabra	Rynders	Willard
Cheokas	E Geisinger	Marin	Scott	Williams, C
Clark, D	Glanton	Martin	Sharper	Williams, E
Clark, H	Golick	Mayo	Shaw	Williamson
Clark, V	Gordon	McCall	Sims	Yates
Coleman	Gravley	McClain	Smith, E	Ralston, Speaker
Cooke	Greene	Meadows		

Due to a mechanical malfunction, Representatives Maxwell of the 17th and Rutledge of the 109th 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 Anderson of the 92nd, Dollar of the 45th, Hugley of the 136th, Jacobs of the 80th, and Kirby of the 114th.

They wished to be recorded as present.

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

#### HOUSE RULES CALENDAR FRIDAY, MARCH 27, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 38th Legislative Day as enumerated below:

#### DEBATE CALENDAR

##### **Modified Open Rule**

HR 612	House Study Committee on Fibroids Education and Awareness; create (H&HS-Cooper-43rd)
HR 743	House Study Committee on Annexation, Deannexation, and Incorporation; create (IGC-Tankersley-160th)
HR 744	House Study Committee on the Use of Drones; create (Substitute) (PS&HS-Tanner-9th)
SB 69	State Defense Force; remove restrictions; rights of public officers and employees to be absent for service; reemployment rights (D&VA-Yates-73rd) Hill-32nd

SB 175 Animal Protection; require inspection of certain animals entering into the state (Substitute)(A&CA-Jasperse-11th) Black-8th

### **Modified Structured Rule**

- SB 4 Urban Redevelopment; provide for use of surface transportation projects; definitions; public contracts with private enterprises for completion (Substitute)(Trans-Roberts-155th) Gooch-51st (AM 39 0121)
- SB 64 Juvenile Code, Domestic Relations, and Vital Records; repeal voluntary acknowledgments of legitimation (Substitute)(JuvJ-Weldon-3rd) Hufstetler-52nd
- SB 79 Victim Compensation; expand the Criminal Justice Coordinating Council's powers and duties relative to claims (JudyNC-Pak-108th) Unterman-45th
- SB 131 Department of Behavioral Health and Developmental Disabilities; provide for certification; policies and procedures (Substitute)(H&HS-Rogers-10th) Dugan-30th
- SB 134 Speed Detection Devices; provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices (Substitute) (JudyNC-Golick-40th) Stone-23rd
- SB 135 Clerks of Superior Courts; provide for protection and disclosure of records held; procedure for disclosure (Substitute)(Judy-Jacobs-80th) Bethel-54th
- SB 139 Selling and Other Trade Practices; provide regulation; auxiliary containers shall be done by general law (Substitute)(A&CA-McCall-33rd) Harper-7th
- SB 148 Commerce and Trade; transfer powers and responsibilities of Governor's Office of Consumer Affairs to Attorney General's office (A&CA-Rogers-10th) Kennedy-18th
- SB 190 Bona Fide Coin Operated Machines; provide certain definitions; license fees and requirements for manufacturers and distributors (Substitute) (RegI-Dickey-140th) Miller-49th

### **Structured Rule**

- SB 63 Alcoholic Beverages; provide for manufacturers of malt beverages to make limited retail sales of malt beverages under certain circumstances (Substitute)(RegI-Stephens-164th) Hill-6th

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

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

Representative Raffensperger of the 50th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 670. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to provide for a homestead exemption from City of Decatur ad valorem taxes for municipal purposes except for ad valorem taxes levied to pay interest on and to retire municipal bonded indebtedness in the amount of \$15,000.00 of the assessed value of the homestead for residents of that city who are 62 years of age or older and whose income does not exceed \$50,000.00; 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.

On the motion, 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
E Allison	Y Corbett	Y Harrell	Y Morris	N Smith, M
Anderson	E Dawkins-Haigler	Y Hatchett	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	E 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	Stephenson
N Bell	Dollar	Y Holmes	Y Parrish	N Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Jacobs	Y Powell, A	Y Tarvin
Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	N Prince	E Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruettt	Y Teasley
N Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
N Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	N Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	N Waites
Y Caldwell, J	N Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	N Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Frazier	Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	N Mabra	Rutledge	Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A

Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	N Gordon	Y Maxwell	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	N McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 135, nays 15.

The motion prevailed.

Representative Raffensperger of the 50th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 671. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to repeal a former local constitutional amendment, Ga. L. 1981, p. 1914, which former local constitutional amendment was continued in effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution of Georgia and which provides for a homestead exemption from certain city ad valorem taxes for residents of the City of Decatur in an amount to be fixed by the governing authority of the city at not more than \$2,000.00 for the first year, and which may be increased periodically, but which exemption shall not exceed \$10,000.00; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

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

On the motion, the ayes were 126, nays 25.

The motion prevailed.

Representative Raffensperger of the 50th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 672. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act approved March 27, 1985 (Ga. L. 1985, p. 4140), as amended, particularly by an Act approved March 25, 1986 (Ga. L. 1986, p. 4475), and by an Act approved April 13, 2001 (Ga. L. 2001, p. 4259), so as to provide for a homestead exemption from City of Decatur ad valorem taxes; 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.

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

Y Abrams	Coomer	Y Harbin	Y Meadows	Y Smith, E
N Alexander	Y Cooper	Y Harden	N Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	N Smith, M
Anderson	E Dawkins-Haigler	Y Hatcher	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Smyre
Y Ballinger	Y Dempsey	E 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	Stephenson
Bell	Dollar	Y Holmes	Y Parrish	N Stovall
Y Belton	N Douglas	Y Houston	Y Parsons	Y Stover

N Bennett	E Drenner	N Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Jacobs	Y Powell, A	Y Tarvin
N Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Jones, J	N Prince	E Taylor, T
Y Brockway	Y Efstrotation	Y Jones, J.B.	Y Pruett	Y Teasley
N Brooks	Y Ehrhart	N Jones, L	Y Quick	N Thomas, A.M.
N Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
N Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
N Buckner	N Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	N Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	N Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Kirby	Y Rice	Y Weldon
Y Carson	N Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	N Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	N Mabra	Rutledge	Y Willard
Y Cheokas	Y Glanton	N Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	N Gordon	Y Maxwell	Y Setzler	Y 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 motion, the ayes were 123, nays 31.

The motion prevailed.

Representative Raffensperger of the 50th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 673. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act approved April 19, 2000 (Ga. L. 2000, p. 4285), so as modify the amount of a homestead exemption from City of Decatur ad valorem taxes for municipal purposes except for ad valorem taxes levied to pay interest on and to retire municipal bonded indebtedness in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

Y Abrams	Coomer	Y Harbin	Y Meadows	Y Smith, E
N Alexander	Y Cooper	Y Harden	N Mitchell	Y Smith, L

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

On the motion, the ayes were 119, nays 29.

The motion prevailed.

Representative Stephens of the 164th moved that the following Bill of the House be withdrawn from the Local Calendar and recommitted to the Committee on Intragovernmental Coordination - Local:

HB 669. By Representatives Stephens of the 164th, Bryant of the 162nd, Petrea of the 166th, Stephens of the 165th, Gordon of the 163rd and others:

A BILL to be entitled an Act to amend an Act providing for the compensation of certain officials in Chatham County, approved March 26, 1986 (Ga. L. 1986, p. 4797), as amended, particularly by an Act approved May 29, 2007 (Ga. L. 2007, p. 4351), so as to provide for the compensation

of certain Chatham County officials; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

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.

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

HB 640. By Representatives Chandler of the 105th, Efstration of the 104th, Kendrick of the 93rd, Clark of the 101st, Clark of the 98th and others:

A BILL to be entitled an Act to amend an Act creating the Gwinnett Judicial Circuit and providing for its powers, duties, jurisdiction, and officers, approved February 12, 1960 (Ga. L. 1960, p. 110), as amended, particularly by an Act approved April 10, 2014 (Ga. L. 2014, p. 3722), so as to change provisions relating to the salary supplements for the judges of the Gwinnett Judicial Circuit; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 646. By Representatives Scott of the 76th, Stovall of the 74th, Mabra of the 63rd, Jordan of the 77th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend an Act providing for a supplement to the salaries of the judges of the superior court of the Clayton Judicial Circuit, approved April 10, 1969 (Ga. L. 1969, p. 353), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4683), so as to increase the county supplement to the state salary of said judges; to repeal conflicting laws; and for other purposes.

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

HB 647. By Representatives Scott of the 76th, Stovall of the 74th, Mabra of the 63rd, Jordan of the 77th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend an Act providing for the appointment of the chief magistrate of Clayton County, approved March 21, 1984 (Ga. L. 1984, p. 4411), as amended, particularly by an Act approved May 4, 2006 (Ga. L. 2006, p. 4136), so as to change the salary of the chief magistrate; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 648. By Representatives Scott of the 76th, Jordan of the 77th, Waites of the 60th, Douglas of the 78th, Stovall of the 74th and others:

A BILL to be entitled an Act to amend an Act placing the sheriff and clerk of the Superior Court of Clayton County on an annual salary, approved February 25, 1949 (Ga. L. 1949, p. 1910), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4656), so as to change the provisions relating to the compensation of the sheriff; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 650. By Representatives Waites of the 60th, Bruce of the 61st, Gardner of the 57th, Brooks of the 55th, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Atlanta, approved April 15, 1996 (Ga. L. 1996, p. 4469), as amended, so as to provide for public safety access assessments; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 658. By Representatives Mitchell of the 88th, Williams of the 87th, Drenner of the 85th, Kendrick of the 93rd, Anderson of the 92nd and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts within DeKalb County, approved May 13, 2008 (Ga. L. 2008, p. 3817), as amended, so as to change certain provisions so that community improvement districts may be created within municipalities in DeKalb County; to provide for a millage rate cap; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 661. By Representatives Drenner of the 85th, Henson of the 86th, Jacobs of the 80th, Anderson of the 92nd, Kendrick of the 93rd and others:

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

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

HB 662. By Representatives Drenner of the 85th, Jacobs of the 80th, Henson of the 86th, Anderson of the 92nd, Kendrick of the 93rd and others:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Avondale Estates, approved April 23, 1999 (Ga. L. 1999, p. 4886), as amended, so as to change the corporate limits of the city; to provide for a referendum; to provide for related matters; to provide for automatic repeal and a contingent effective date; to repeal conflicting laws; and for other purposes.

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

HB 663. By Representatives Drenner of the 85th, Jacobs of the 80th, Henson of the 86th, Anderson of the 92nd, Kendrick of the 93rd and others:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Decatur, approved April 13, 2001 (Ga. L. 2001, p. 4351), as amended, so as to change the corporate limits of the city; to provide for

related matters; to provide for a referendum and contingent effective dates; to repeal conflicting laws; and for other purposes.

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

HB 664. By Representatives Knight of the 130th and Yates of the 73rd:

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

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

HB 668. By Representatives Ramsey of the 72nd and Fludd of the 64th:

A BILL to be entitled an Act to amend an Act to create the City of Peachtree City Public Facilities Authority, approved May 13, 2011 (Ga. L. 2011, p. 4121), so as to add an additional power; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend an Act to create the City of Peachtree City Public Facilities Authority, approved May 13, 2011 (Ga. L. 2011, p. 4121), so as to modify a definition; to add an additional power; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act to create the City of Peachtree City Public Facilities Authority, approved May 13, 2011 (Ga. L. 2011, p. 4121), is amended by revising paragraph (3) of Section 3 as follows:

"(3) 'Project' means:

- (A) All buildings, facilities, equipment, and other real and personal property necessary or convenient for the efficient operation of the City of Peachtree City, Georgia, or any department, agency, division, or commission thereof; and
- (B) Any undertaking permitted by Revenue bond law."

#### **SECTION 2.**

Said Act is further amended in Section 4 by inserting a new paragraph to read as follows:

"(6.1) To sell or assign its rights under its contracts, lease agreements, or installment sale agreements or its right to receive payments thereunder, either directly or through trust or custodial arrangements whereby interests are created in such contracts, lease agreements, or installment sale agreements or the payments to be received thereunder through the issuance of trust certificates, certificates of participation, custodial receipts, or other similar instruments;"

#### **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.

HB 674. By Representatives Weldon of the 3rd and Tarvin of the 2nd:

A BILL to be entitled an Act to create the State Court of Catoosa County; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 675. By Representative Ralston of the 7th:

A BILL to be entitled an Act to provide for compensation of the coroner and deputy coroner of Gilmer County; to provide for the payment of expenses; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Abrams	Y Coomer	Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	E Harrell	Y Morris	Y 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	E 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	Stephenson
Y Bell	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
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E 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	E Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E 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	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	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
Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bills, the ayes were 158, nays 0.

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

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

Mr. Speaker:

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

SB 215. By Senator Harbison of the 15th:

A BILL to be entitled an Act to create the Schley County Utilities Authority; to provide for other related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 231. By Senators Ramsey, Sr. of the 43rd and Jeffares of the 17th:

A BILL to be entitled an Act to create the City of Conyers Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds by the authority; to fix and provide the venue and jurisdiction of actions relating to any provisions of this Act; to exempt the property and revenue bonds of the authority from taxation; to provide for severability; to provide a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 236. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to create the State Court of Catoosa County; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 177. By Representatives Wilkerson of the 38th, Willard of the 51st, Chandler of the 105th, Oliver of the 82nd, Welch of the 110th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, so as to provide that certain school personnel who are required to report child abuse shall be notified upon receipt of such report and upon completion of its investigation; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 183. By Representatives Knight of the 130th, Petrea of the 166th, Peake of the 141st, Dempsey of the 13th, Randall of the 142nd and others:

A BILL to be entitled an Act to amend Article 13 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to private home care providers, so as to revise the definition of private home care provider to include contractual arrangements with licensed independent contractors; to

revise exempt services; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 252. By Representatives Caldwell of the 20th, Welch of the 110th, Pak of the 108th, Ramsey of the 72nd, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend various titles of the Official Code of Georgia Annotated so as to enact the "J. Calvin Hill, Jr., Act"; to repeal obsolete and outdated provisions; to repeal provisions which have been deemed unconstitutional; to update obsolete and outdated terminology; to repeal certain provisions relating to preclearance requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 299. By Representatives Dunahoo of the 30th, Williams of the 119th, Rogers of the 29th, Hawkins of the 27th, Williamson of the 115th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 13 of the Official Code of Georgia Annotated, relating to general provisions for contracts, so as to provide for definitions; to provide for the imposition of convenience fees upon payments for certain loans or purchases when paid by electronic means; to provide for notice of the imposition of convenience fees; to provide for exclusions and applicability; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

- 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.

- HB 571. By Representatives Willard of the 51st, Wilkinson of the 52nd, Jacobs of the 80th and Dollar of the 45th:

A BILL to be entitled an Act to authorize the governing authority of the City of Sandy Springs 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 provide for a conditional effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

- HB 595. By Representatives Jones of the 47th, Geisinger of the 48th, Wilkinson of the 52nd, Golick of the 40th, Beskin of the 54th and others:

A BILL to be entitled an Act to amend an Act providing for the establishment of a county-wide library system in Fulton County, approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 4347), so as to specify a name for the county-wide library system; to change membership, the number of members, and the selection of members of the library board of trustees; to provide for vacancies; to provide for the selection of the executive director of the library system and to whom the executive director shall report; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 601. By Representatives Hightower of the 68th, Cooke of the 18th, Nix of the 69th and Smith of the 70th:

A BILL to be entitled an Act to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County; to provide for the method of distribution of the net proceeds of such tax among the Carroll County School District and the independent school districts located wholly or partially within Carroll County, including particularly the Carrollton Independent School System and the Bremen Public School System; to provide for authority under Article VIII, Section VI, Paragraph IV of the Constitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 618. By Representative Dukes of the 154th:

A BILL to be entitled an Act to provide for the compensation of the chairperson and members of the Seminole County Board of Education; to repeal conflicting laws; and for other purposes.

- HB 626. By Representative Shaw of the 176th:

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

- HB 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.

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.

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.

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.

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

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.

- HB 225. By Representatives Powell of the 32nd, Dunahoo of the 30th, Carson of the 46th, Rutledge of the 109th, Hitchens of the 161st and others:

A BILL to be entitled an Act to amend Titles 36 and 40 of the Official Code of Georgia Annotated, relating to local government and motor vehicles and traffic, respectively, so as to provide for definitions; to require all for-hire drivers to obtain a for-hire license endorsement before driving for hire; to require that all for-hire drivers have certain insurance; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 263. By Representatives Coomer of the 14th, Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th, Golick of the 40th and others:

A BILL to be entitled an Act to amend Chapter 6A of Title 35, Chapter 11 of Title 15, and Title 49 of the O.C.G.A., relating to the Criminal Justice Coordinating Council, the Juvenile Code, and social services, respectively, so as to provide for an advisory board to the council for juvenile justice issues; to amend Article 2 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence shelters, so as to remove the responsibility and duties of the Department of Human Resources for such shelters and require the Criminal Justice Coordinating Council to have such responsibility and duties; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 623. By Representatives Epps of the 144th, Randall of the 142nd, Dickey of the 140th, Peake of the 141st and Beverly of the 143rd:

A BILL to be entitled an Act to amend an Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, so as to revise the powers of the authority; to provide for the ability to operate a storm water utility; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

- SB 215. By Senator Harbison of the 15th:

A BILL to be entitled an Act to create the Schley County Utilities Authority; to provide for other related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 231. By Senators Ramsey, Sr. of the 43rd and Jeffares of the 17th:

A BILL to be entitled an Act to create the City of Conyers Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds by the authority; to fix and provide the venue and jurisdiction of actions relating to any provisions of this Act; to exempt the property and revenue bonds of the authority from taxation; to provide for severability; to provide a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 236. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to create the State Court of Catoosa County; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Representative Beskin of the 54th moved that the following Bill of the House be taken from the table:

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.

On the motion, 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
E Allison	Y Corbett	E Harrell	Y Morris	N Smith, M
N Anderson	E Dawkins-Haigler	Y Hatchett	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	N Smyre

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

On the motion, the ayes were 106, nays 49.

The motion prevailed.

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

Representatives Setzler of the 35th, Williams of the 87th et al., Glanton of the 75th, Jones of the 62nd, Smith of the 125th, Sharper of the 177th et al., Werkheiser of the 157th et al., Williamson of the 115th, Willard of the 51st, and Williams of the 168th.

Pursuant to HR 690, the House honored Thomas Henry Nobis, Jr., the first player drafted during the inaugural season for the Atlanta Falcons in 1966, and invited him to be recognized by the House of Representatives.

Pursuant to HR 228, the House commended Theodore N. "Ted" Oglesby and invited him to be recognized by the House of Representatives.

Pursuant to HR 602, the House honored the life and memory of C. Glenn Hartley and invited his wife and children to be recognized by the House of Representatives.

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 584. By Representatives Carson of the 46th, Reeves of the 34th, Setzler of the 35th, Jones of the 53rd, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3691), so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to repeal conflicting laws; and for other purposes.

HB 589. By Representatives Evans of the 42nd, Carson of the 46th, Wilkerson of the 38th, Smith of the 41st, Reeves of the 34th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3732), so as to change the compensation of the judge of the probate court; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 600. By Representatives Ehrhart of the 36th, Cooper of the 43rd, Evans of the 42nd, Wilkerson of the 38th, Carson of the 46th 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 May 12, 2008 (Ga. L. 2008, p. 3723), so as to revise the compensation of the solicitor-general of Cobb County; to provide for related matters; to repeal conflicting laws; and for other purposes.

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.

HB 619. By Representative Epps of the 144th:

A BILL to be entitled an Act to create the Cochran/Bleckley Airport Authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 639. By Representative Jasperse of the 11th:

A BILL to be entitled an Act to provide that the clerk of the Magistrate Court of Pickens County shall be appointed by and serve at the pleasure of the chief magistrate; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

HB 642. By Representatives Rhodes of the 120th and Kidd of the 145th:

A BILL to be entitled an Act to amend an Act providing for the Magistrate Court of Putnam County, approved March 12, 1984 (Ga. L. 1984, p. 3788), as amended, so as to revise the number, manner of selection, and compensation of the judges of the magistrate court; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HR 743. By Representatives Tankersley of the 160th, Rynders of the 152nd, Hamilton of the 24th, Oliver of the 82nd and Meadows of the 5th:

A RESOLUTION creating the House Study Committee on Annexation, Deannexation, and Incorporation; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Harbin	E Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E 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	Y Drenner	Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E 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 Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E 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
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 164, nays 0.

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

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 9-11-4.1 of the Official Code of Georgia Annotated, relating to certified process servers, so as to repeal the sunset and legislative review provisions; to amend Article 2 of Chapter 6 of Title 15 and Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to the clerks of superior courts and when public disclosure is not required, respectively, so as to provide for the protection and disclosure of records held by the clerk of superior court; to provide for procedure for disclosure; to change provisions relating to back-up records; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

Code Section 9-11-4.1 of the Official Code of Georgia Annotated, relating to certified process servers, is amended by revising subsection (k) as follows:

~~"(k) **Sunset and legislative review.** This Code section shall be repealed effective July 1, 2015, unless continued in effect by the General Assembly prior to that date. At its 2013 regular session the General Assembly shall review this Code section to determine whether it should be continued in effect."~~

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

Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the clerks of superior courts, is amended by adding a new Code section to read as follows:

"15-6-60.1.

(a) As the county constitutional officer elected by citizens of his or her county to protect and preserve their court and land records, the clerk of superior court is the sole custodian of all original filed records that the clerk is required by law to retain in his or

her office or permitted to store and archive in another location as provided by Code Section 15-6-86.

(b) Regardless of the methodology, system, or location used by the clerk of superior court for filing, recording, archiving, and storing records, any request for access to or copies of records, including requests made pursuant to Article 4 of Chapter 18 of Title 50 for access to or copies of any record filed, recorded, or retained by a clerk of superior court, shall be made to the clerk of superior court.

(c) The clerk of superior court may contract with any person or entity or any governmental department, agency, authority, or entity for the purpose of archiving or storing electronic records of the clerk's office. When the clerk executes a contract for such purpose, such service provider shall not provide access to or copies of any records without the express written approval of the clerk of superior court.

(d) Any person or entity or any governmental department, agency, authority, or entity that provides storage or archiving services for records for which the clerk of superior court is custodian shall relinquish possession of all such records and any copies thereof and return such records and copies to the clerk upon request of the clerk. This subsection shall not apply to records provided by the clerk of the superior court to the Georgia Superior Court Clerks' Cooperative Authority pursuant to laws requiring transmittal of records of the clerk's office to such authority.

(e) Records that the clerk of superior court is required by law or rules and regulations to provide to other governmental departments, agencies, authorities, and entities to enable such departments, agencies, authorities, and entities to perform their duties or to support the functions assigned to such departments, agencies, authorities, and entities shall not be used for any purpose other than the performance of such duties or functions.

(f) Records provided by the clerk of superior court to the Georgia Superior Court Clerks' Cooperative Authority shall be used by the authority only for the performance of its statutory duties, including providing online access to such records.

(g) Nothing in this Code section shall be construed to require or otherwise affect the appropriation of public funds by a local governing authority to a clerk of superior court."

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

Said article is further amended by revising Code Section 15-6-62.1, relating to back-up records, as follows:

"15-6-62.1.

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

(1) 'Authority' means the Georgia Superior Court Clerks' Cooperative Authority.

~~(1)(2)~~ (2) 'Back-up record' means ~~a paper or microfilm~~ an electronic copy of any record of the proceedings relating to any civil action or criminal case which ~~that~~ a clerk of superior court is required to ~~make~~ create pursuant to Code ~~Section~~ Sections 15-6-61 and 15-6-62.

~~(2) 'Council' means The Council of Superior Court Clerks created by Code Section 15-6-50.2.~~

~~(3) 'Division' means the Georgia Division of Archives and History.~~

~~(b) Except as provided in subsection (d) of this Code section, a A clerk of a superior court electing to record proceedings in digital format as provided in subsection (a) of Code Section 15-6-62 any record of which he or she is the custodian shall maintain a back-up records and must do so record in at least one of two ways: either by~~

~~(1) By the clerk permanently retaining the back-up records himself or herself or by submitting the digitally formatted records to and having them permanently archived by the division record on the clerk's secure file server, either controlled and operated by the clerk or personnel employed by the clerk or provided for the exclusive benefit of the clerk's office through a contractual relationship between the clerk and a public or private entity for such purpose; and~~

~~(2) By the clerk submitting all digitally formatted records that the clerk is statutorily authorized and required to archive with the authority for permanent archiving, as set forth in subsection (c) of this Code section.~~

~~(c) If a clerk of a superior court elects to submit the digitally formatted records to and have them permanently archived by the division pursuant to subsection (b) of this Code section, the clerk shall submit such records at least once every six months and in a format acceptable to the division and the council. Upon receipt, the division shall convert the digitally formatted records to microfilm and shall permanently maintain them in that format. If requested by the clerk of a superior court, the division shall make a copy of these microfilm records available for purchase by the clerk at a fee not to exceed the cost of producing the copies. The clerk of superior court shall submit the clerk's records to the authority in a format acceptable to the authority at least monthly, but not later than the fifteenth day following the last day of each month. Upon receipt of such records, the authority shall permanently and securely maintain such records. Excluding records to which the authority is required by law to provide online access, the authority shall not provide access to or copies of records maintained by it to any person requesting such records without the express written approval of the clerk of superior court who originally maintained such records. All requests for access to such records shall be made to such clerk.~~

~~(d) If at any time the division certifies to the council that the division is not capable of creating the microfilm records from the digitally formatted records and permanently maintaining them as set forth in this Code section, then a clerk of superior court shall permanently maintain the back-up records himself or herself and shall continue to do so until the division certifies that it is capable of creating and permanently maintaining them."~~

### SECTION 2-3.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, is amended in subsection (a) by striking "or" at the end

of paragraph (47), by replacing the period at the end of paragraph (48) with "; or", and by adding a new paragraph to read as follows:

"(49) Held by the Georgia Superior Court Clerks' Cooperative Authority or any other public or private entity for and on behalf of a clerk of superior court; provided, however, that such records may be obtained from a clerk of superior court unless otherwise exempted from disclosure."

### PART III SECTION 3-1.

- (a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.  
(b) Part II of this Act shall become effective on July 1, 2015.

### SECTION 3-2.

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

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

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

Y Abrams	Y Coomer	Y Harbin	E Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E 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	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	N Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	N Tanner
Y Beskin	E 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 Efrstration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Y Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Y Bryant	Y Epps	Y Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	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
Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Rice	Weldon

Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	N Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	N Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	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, the ayes were 146, nays 18.

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

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

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

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED  
AN ACT**

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

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to powers and duties of the Department of Behavioral Health and Developmental Disabilities, is amended by revising Code Section 37-1-29, relating to crisis stabilization

unit defined, licensure of units, minimum standards and requirements, designation as an emergency receiving facility, legislative intent, and rules and regulations as follows:

"37-1-29.

(a) As used in this Code section, the term 'crisis stabilization unit' means a short-term residential program operated for the purpose of providing psychiatric stabilization and detoxification services that complies with applicable department standards and that provides brief, intensive crisis services 24 hours a day, seven days a week.

(b) The department shall be authorized to ~~license~~ certify crisis stabilization units pursuant to this Code section for the purpose of providing psychiatric stabilization and detoxification services in a community based setting rather than inpatient hospitalization and other higher levels of care.

(c) The department shall establish minimum standards and requirements for the ~~licensure~~ certification of crisis stabilization units in its policies and procedures. Following any changes to such policies and procedures pertaining to crisis stabilization units, notification of such changes shall be posted on the department's website within 45 days and shall remain posted on the website for at least six months. Such ~~standards and requirements~~ policies and procedures shall include, but not be limited to, the following:

- (1) The capacity to carry out emergency receiving and evaluating functions;
- (2) Voluntary and involuntary admission criteria;
- (3) The prohibition to hold itself out as a hospital or bill for hospital or inpatient services;
- (4) The unit is operated by an accredited and licensed, if applicable, health care authority;
- (5) The unit has operating agreements with private and public inpatient hospitals and treatment facilities;
- (6) The unit operates within the guidelines of the federal Emergency Medical Treatment and Active Labor Act with respect to stabilization and transfer of clients;
- (7) Length of stay;
- (8) Designation of transitional beds;
- (9) Billing;
- (10) Physician and registered professional nurse oversight;
- (11) Staff to client ratios;
- (12) Patient restraint or seclusion;
- (13) Safety and emergency protocols;
- (14) Pharmacy services;
- (15) Medication administration; and
- (16) Reporting requirements.

(d) A crisis stabilization unit shall be designated as an emergency receiving facility under Code Sections 37-3-40 and 37-7-40 and an evaluation facility under Code Sections 37-3-60 and 37-7-60, but shall not be designated as a treatment facility under Code Section 37-3-80 or 37-7-80. Crisis stabilization units may admit individuals on a voluntary basis. Individuals may be provided 24 hour observation, detoxification and

stabilization services, medication prescribed by a physician, and other appropriate treatment or services.

(e) No entity shall operate as a crisis stabilization unit without having a valid license certificate issued pursuant to this Code section.

(f) Application for a license certificate to operate a crisis stabilization unit shall be submitted to the department in the manner prescribed by the department's ~~rules and regulations~~ policies and procedures.

(g) The department shall issue a license certificate to an applicant who meets all the ~~rules and regulations~~ standards and requirements as set forth in the department's policies and procedures for the ~~license~~ certification of crisis stabilization units. The license certificate shall be nontransferable for a change of location or governing body.

(h) Each licensee certified crisis stabilization unit shall permit authorized department representatives to enter upon and inspect any and all premises for which a license certificate has been granted or applied for ~~so that verification of compliance with all relevant laws or regulations can be made~~.

(i) The department may deny any license application for certification which does not meet all the ~~rules and regulations~~ standards and requirements set forth in the department's policies and procedures for the ~~license~~ certification of crisis stabilization units and may suspend or revoke a license certificate which has been issued if an applicant or a licensee certified crisis stabilization unit violates any such ~~rules and regulations~~ policies and procedures; provided, however, that before any order is entered denying a license certificate application or suspending or revoking a license certificate previously granted, the applicant or license certificate holder, as the case may be, shall be afforded an opportunity for a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(j) Any program ~~licensed~~ certified as a crisis stabilization unit pursuant to this Code section shall be exempt from the requirements to obtain a certificate of need pursuant to Article 3 of Chapter 6 of Title 31.

(k) It is the intent of the General Assembly that this Code section provide a public benefit and comply with all safety net obligations in this title and that patients without private health care coverage receive priority consideration for crisis stabilization unit placement.

~~(l) The department shall promulgate rules and regulations in accordance with the General Assembly's intent as set out in subsection (k) of this Code section to implement the provisions of this Code section."~~

## SECTION 2.

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

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

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

Y Abrams	Y Coomer	Y Harbin	E Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E 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	N Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	E Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	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	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E 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
Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E 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 Grayley	Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 1.

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

SB 148. By Senators Kennedy of the 18th, Dugan of the 30th, Miller of the 49th, Jackson of the 24th, Bethel of the 54th and others:

A BILL to be entitled an Act to amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, so as to transfer the powers and responsibilities of the Governor's Office of Consumer Affairs to

the Attorney General's office; to amend Titles 2, 16, 18, 31, 33, 35, 36, 43, and 46 of the Official Code of Georgia Annotated, relating to agriculture, crimes and offenses, debtors and creditors, health, insurance, law enforcement officers and agencies, local government, professions and businesses, and public utilities and public transportation, respectively, so as to conform to such transfer, correct cross-references, and remove obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Harbin	E Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	N 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	N Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	N Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	N Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efrstration	Y Jones, J.B.	Y Pruet	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	N Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Y Bryant	Y Epps	Y Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
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	N Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	N 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	E Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 154, nays 10.

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

SB 190. By Senators Miller of the 49th, Unterman of the 45th, Orrock of the 36th, Dugan of the 30th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to provide for certain definitions; to provide for license fees and requirements for manufacturers and distributors; to provide for certain fees upon the transfer of a master license; to provide for an auction of certain licenses; to provide a procedure for dispute resolution; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to provide for certain definitions; to provide for license fees and requirements for manufacturers and distributors; to provide for certain fees upon the transfer of a master license; to provide for an auction of certain licenses; to provide a procedure for dispute resolution; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, is amended in Code Section 50-27-70, relating to legislative findings and definitions, by adding a new paragraph to subsection (b) to read as follows:

"(10.1) 'Master licensee' means any person that has lawfully applied for and received a master license."

**SECTION 2.**

Said article is further amended in Code Section 50-27-71, relating to license fees, issuance of license, display of license, control number, duplicate certificates, application for license or renewal, and penalty for noncompliance, by revising subsections (a) through (f) and (k) through (n) as follows:

"(a) Every manufacturer, distributor, and owner, except an owner holding a bona fide coin operated amusement machine solely for personal use or resale, who offers a bona fide coin operated amusement machine for sale to a distributor or to an owner and who offers others the opportunity to play for a charge, whether directly or indirectly, any bona fide coin operated amusement machine shall pay annual master license fees to the corporation as follows:

(1) For Class A machines:

(A) For five or fewer machines, the owner shall pay a master license fee of \$500.00.

In the event such owner acquires a sixth or greater number of machines during a calendar year which ~~require~~ requires a certificate for lawful operation under this article so that the total number of machines owned does not exceed 60 machines or more, such owner shall pay an additional master license fee of \$1,500.00;

(B) For six or more machines but not more than 60 machines, the owner shall pay a master license fee of \$2,000.00. In the event such owner acquires a sixty-first or greater number of machines during a calendar year which ~~require~~ requires a certificate for lawful operation under this article, such owner shall pay an additional master license fee of \$1,500.00; or

(C) For 61 or more machines, the owner shall pay a master license fee of \$3,500.00; ~~and~~

(2) For any number of Class B machines, the owner shall pay a master license fee of \$5,000.00;

(3) For any distributor, the distributor shall pay a distributor license fee of \$5,000.00;  
and

(4) For any manufacturer, the manufacturer shall pay a manufacturer license fee of \$5,000.00.

The cost of the license shall be paid to the corporation by company check, cash, cashier's check, money order, or any other method approved by the chief executive officer. Upon such payment, the corporation shall issue a master license certificate to the owner. The ~~master license fee fees~~ fees levied by this Code section shall be collected by the corporation on an annual basis ~~for the period from July 1 to June 30. The, and the~~ and the board may establish procedures for ~~master~~ license collection and set due dates for these license payments. No refund or credit of the ~~master~~ license charge levied by this Code section may be allowed to any owner who ceases the manufacture, distribution, or operation of bona fide coin operated amusement machines prior to the end of any license or permit period.

(a.1) Every location owner or location operator shall pay an annual location license fee for each bona fide coin operated amusement machine offered to the public for play. The annual location license fee shall be \$25.00 for each Class A machine and \$125.00 for each Class B machine. The annual location license fee levied by this Code section shall be collected by the corporation, and the board may establish procedures for location license fee collection and set due dates for payment of such fees. ~~on an annual basis from July 1 to June 30.~~ The location license fee shall be paid to the corporation

by company check, cash, cashier's check, money order, or any other method approved by the chief executive officer. Upon payment, the corporation shall issue a location license certificate that shall state the number of bona fide coin operated amusement machines permitted for each class without further description or identification of specific machines. ~~The board may establish procedures for location license fee collection and set due dates for payment of such fees.~~ No refund or credit of the location license fee shall be allowed to any location owner or location operator who ceases to offer bona fide coin operated amusement machines to the public for commercial use prior the end of any license period.

(a.2) The corporation may refuse to issue or renew a location owner or location operator license or may revoke or suspend a location owner or location operator license issued under this article if:

(1) The licensee or applicant has intentionally violated a provision of this chapter or a regulation promulgated under this chapter;

(2) The licensee or applicant has intentionally failed to provide requested information or answer a question, intentionally made a false statement in or in connection with his or her application or renewal, or omitted any material or requested information;

(3) The licensee or applicant used coercion to accomplish a purpose or to engage in conduct regulated by the corporation;

(4) Failure to revoke or suspend the license would be contrary to the intent and purpose of this article;

(5) The licensee or applicant has engaged in unfair methods of competition and unfair or deceptive acts or practices as provided in Code Section 50-27-87.1; or

(6) Any applicant, or any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, fails to meet any obligations imposed by the tax laws or other laws or regulations of this state.

(b) A copy of an owner's master license and the location owner's or location operator's location license shall be prominently displayed at all locations where the owner and location owner or location operator have bona fide coin operated amusement machines available for commercial use and for play by the public to evidence the payment of the fees levied under this Code section. A manufacturer's license and distributor's license, as well as invoices for the sales of any Class B machines to any person or entity licensed by this chapter, shall be available for inspection at their places of business and upon request from the corporation.

(c) Each manufacturer, distributor, and master license and each location license shall list the name and address of the manufacturer, distributor, owner, ~~or~~ location owner, or location operator, as applicable.

(d) The corporation may provide a duplicate ~~original master license certificate or location license certificate~~ issued pursuant to this Code section if the original ~~certificate~~ license has been lost, stolen, or destroyed. The fee for a duplicate original ~~certificate~~ license is \$100.00. If the original ~~certificate~~ license is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the

~~certificate~~ license was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed ~~certificate~~ license, if applicable, before a duplicate original ~~certificate~~ license can be issued. A ~~certificate~~ license for which a duplicate ~~certificate~~ license has been issued is void.

(e) A license or permit issued under this Code section:

- (1) Is effective for a single business entity;
- (2) Vests no property or right in the holder of the license or permit except to conduct the licensed or permitted business during the period the license or permit is in effect;
- (3) Except as provided in paragraph (5) of this subsection, is ~~Is~~ nontransferable, nonassignable by and between owners or location owners and location operators, and not subject to execution; ~~and~~
- (4) Expires upon the death of an individual holder of a license or permit or upon the dissolution of any other holder of a license or permit; and
- (5) As it relates to a master licensee, upon the sale of a master licensee's business in its entirety, the buyer shall pay to the corporation a transfer fee for the master license that accompanies the business in the following amounts:

(A) For the first sale of a master licensee's business, a transfer fee for the master license in the amount of \$10,000.00;

(B) For the second sale of such business, a transfer fee for the master license in the amount of \$25,000.00;

(C) For the third sale of such business, a transfer fee for the master license in the amount of \$50,000.00; and

(D) For the fourth sale of such business and each sale thereafter, a transfer fee for the master license in an amount to be established by the corporation, which transfer fee shall be not less than \$50,000.00.

(f) An application for the renewal of a license or permit must be made to the corporation ~~by June 1 of~~ in accordance with the due dates set forth in the rules promulgated by the board each year."

"(k) A renewal application filed on or after ~~July 1~~ the due dates set forth in the rules promulgated by the board, but before the license expires, shall be accompanied by a nonrefundable late fee of ~~\$125.00~~ \$1,000.00. A manufacturer, distributor, or master license or location license that has been expired for more than 90 days may not be renewed. In such a case, the manufacturer, distributor, master license, or location license owner shall obtain a new ~~master license or the location owner or location operator shall obtain a new location~~ license, as applicable, by complying with the requirements and procedures for obtaining an original ~~master license or location~~ license. (l) A holder of a license who properly completes the application and remits all fees with it by the due date may continue to manufacture, distribute, or operate bona fide coin operated amusement machines after the expiration date if its license or permit renewal has not been issued, unless the holder of the license is notified by the corporation prior to the expiration date of a problem with the renewal.

(m) Holders of manufacturer, distributor, and location licenses and temporary location permits shall be subject to the same provisions of this article with regard to refunds,

license renewals, license suspensions, and license revocations as are ~~holders of master licenses~~ licensees.

(n) Failure to obtain a ~~master license or location~~ license as required by this Code section shall subject the person to a fine of up to \$25,000.00 and repayment of all fees or receipts due to the corporation pursuant to this article and may subject the person to a loss of all state licenses."

### SECTION 3.

Said article is further amended in Code Section 50-27-72, relating to refund of license, by revising subsection (a) as follows:

"(a) No refund is allowed for a manufacturer, distributor, or master license except as follows:

- (1) The ~~owner~~ licensee makes a written request to the corporation for a refund prior to the beginning of the calendar year for which it was purchased;
- (2) The ~~owner~~ licensee makes a written request prior to the issuance of the ~~master~~ license or registration certificate;
- (3) The ~~owner~~ licensee makes a written request for a refund claiming the ~~master~~ license or registration certificate was mistakenly purchased due to reliance on incorrect information from the corporation;
- (4) The processing of the ~~master~~ license is discontinued; or
- (5) The issuance of the ~~master~~ license is denied."

### SECTION 4.

Said article is further amended by revising Code Section 50-27-73, relating to refusal to issue or renew license, revocation or suspension, and limitation on issuance of licenses, as follows:

"50-27-73.

(a) The corporation shall not renew a ~~master, location owner, or location operator~~ license for a business person under this article and shall suspend for any period of time or cancel a ~~master, location owner, or location operator~~ license if the corporation finds that the applicant or licensee is indebted to the state for any fees, costs, penalties, or delinquent fees.

(b) The corporation shall not issue or renew a license for a business person under this article if the applicant does not designate and maintain an office in this state or if the applicant does not permit inspection by the corporation's agents of his or her place of business or of all records which the applicant or licensee is required to maintain; provided, however, that this subsection shall not apply to manufacturers.

(c) The corporation may refuse to issue or renew a manufacturer, distributor, or master license or may revoke or suspend a manufacturer, distributor, or master license issued under this chapter if:

- (1) The licensee or applicant has intentionally violated a provision of this chapter or a regulation promulgated under this chapter;

(2) The licensee or applicant has intentionally failed to provide requested information or answer a question, intentionally made a false statement in or in connection with his or her application or renewal, or omitted any material or requested information;

(3) The licensee or applicant used coercion to accomplish a purpose or to engage in conduct regulated by the corporation;

(4) A master licensee or applicant allows the use of its master license certificate or per machine permit stickers by any other business entity or person ~~who~~ that owns or operates bona fide coin operated amusement machines available for commercial use and available to the public for play. If such unauthorized use occurs, the corporation may fine the licensee as follows:

(A) One thousand dollars for each improper use of a per machine permit sticker; and

(B) Twenty-five thousand dollars for each improper use of a master license certificate.

In addition, the corporation is authorized to seize the machines in question and assess the master license and permit fees as required by law and to assess the costs of such seizure to the owner or operator of the machines;

(5) Failure to suspend or revoke the license would be contrary to the intent and purpose of this article;

(6) The licensee or applicant has engaged in unfair methods of competition and unfair or deceptive acts or practices as provided in Code Section 50-27-87.1; or

(7) Any applicant, or any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, fails to meet any obligations imposed by the tax laws or other laws or regulations of this state.

(d) The corporation, on the request of a licensee or applicant for a license, shall conduct a hearing to ascertain whether a licensee or applicant for a license has engaged in conduct which would be grounds for revocation, suspension, or refusal to issue or renew a license.

(e) Effective July 1, 2015, the ~~The~~ corporation ~~shall not~~ may issue ~~any new~~ up to 220 Class B master licenses ~~until one year after it certifies that the Class B accounting terminal authorized by Code Section 50-27-101 is implemented through a process of competitive auction to be established by the corporation and such competitive auction shall occur at least once every three years effective July 1, 2015; provided, however, that any person or entity holding a Class B master license on the effective date of this subsection shall not be subject to the competitive auction process provided for in this Code section but shall be subject to all other requirements of this article; provided, however, further, that the corporation shall be permitted to renew Class B master licenses at any time."~~

**SECTION 5.**

Said article is further amended in Code Section 50-27-78, relating to payment and collection of annual permit fee, permit stickers, and treatment of fees, by revising subsection (a) as follows:

"(a) Every owner, except an owner holding a coin operated amusement machine solely for personal use or resale, who offers others the opportunity to play for a charge, whether direct or indirect, any bona fide coin operated amusement machine shall pay an annual permit fee for each bona fide coin operated amusement machine in the amount of \$25.00 for each Class A machine and \$125.00 for each Class B machine. The fee shall be paid to the corporation by company check, cash, cashier's check, money order, or any other method approved by the chief executive officer. Upon payment, the corporation shall issue a sticker for each bona fide coin operated amusement machine. ~~The annual fees levied by this article shall be collected by the corporation on an annual basis for the period from July 1 to June 30.~~ The board may establish procedures for annual collection and set due dates for the fee payments. No refund or credit of the annual fee levied by this article shall be allowed to any owner who ceases the exhibition or display of any bona fide coin operated amusement machine prior to the end of any license or permit period."

**SECTION 6.**

Said article is further amended in Code Section 50-27-84, relating to limitation on percent of monthly gross retail receipts derived from machines, monthly verified reports, issuance of fine or revocation or suspension of license for violations, and submission of electronic reports, by revising subsection (b) as follows:

"(b)(1) No location owner or location operator shall derive more than 50 percent of such location owner's or location operator's monthly gross retail receipts for the business location in which the Class B machine or machines are situated from such Class B machines; provided, however, that revenues that are due to a master licensee or the corporation shall not be deemed revenue derived from Class B machines.

(2) ~~Except as authorized by a local ordinance, no~~ No location owner or location operator shall offer more than nine Class B machines to the public for play in the same business location; provided, however, that this limitation shall not apply to an amusement or recreational establishment."

**SECTION 7.**

Said article is further amended in Code Section 50-27-87, relating to master licenses and requirements and restrictions for licensees, by revising paragraph (4) of subsection (a) and paragraph (3) of subsection (b) as follows:

"(4) On or after July 1, 2013, no person with or applying for a master license shall have an interest in any manufacturer, distributor, location owner, or location operator in this state. No person with or applying for a manufacturer license shall have an interest in a distributor, master licensee, location owner, or location operator in this state. No person applying for a distributor license shall have an interest in a

manufacturer, master licensee, location owner, or location operator in this state. Additionally, no group or association whose membership includes manufacturers, distributors, operators, master licensees, location owners, or location operators shall obtain a master license nor shall they form an entity which acts as a master licensee, operator, location owner, or location operator for the purpose of obtaining a master license; provided, however, that through June 30, 2015, this paragraph shall not apply to persons who, as of December 31, 2013, have or will have continuously possessed a master license for ten or more years and, for ten or more years, have or will have continuously owned or operated a location where a bona fide coin operated machine has been placed. Nothing in this paragraph shall prohibit a manufacturer, distributor, or master licensee from entering into a financing arrangement with the other for the sale of machines, including but not limited to a lien, guaranty, or line of credit."

"(3) Any written agreement entered into after April 10, 2013, shall be exclusive as between one bona fide coin operated amusement machine master licensee and one location owner or location operator per location. Any agreement entered into before April 10, 2013, shall not be deemed void for failure to allocate revenue pursuant to Code Section 50-27-87.1 or 50-27-102, and notwithstanding any agreements between master licensees and location owners and location operators, both shall act in a manner that complies with this chapter."

#### **SECTION 8.**

Said article is further amended in Code Section 50-27-87.1, relating to unfair methods of competition and unfair and deceptive acts, by revising paragraphs (3) and (4) as follows:

"(3) A location owner or location operator asking, demanding, or accepting anything of value, including but not limited to a loan or financing arrangement, gift, procurement fee, lease payments, revenue sharing, or payment of license fees or permit fees from a manufacturer, distributor, or master licensee, as an incentive, inducement, or any other consideration to locate bona fide coin operated amusement machines in that establishment. A location owner that violates this subsection shall have all of the location owner's state business licenses revoked for a period of one to five years per incident. The location owner also shall be fined up to \$50,000.00 per incident and required to repay any incentive fees or other payments received from the operator; and

(4) ~~A~~ A manufacturer, distributor, operator, master licensee, or individual providing anything of value, including but not limited to a loan or financing arrangement, gift, procurement fee, lease payments, revenue sharing, or payment of license fees or permit fees to a location owner or location operator, as any incentive, inducement, or any other consideration to locate bona fide coin operated amusement machines in that establishment. ~~A~~ A manufacturer, distributor, operator, master licensee, or individual who violates this subsection shall have all of his or her state business licenses revoked for a period of one to five years per incident. The individual, manufacturer, distributor, owner, or master licensee also shall be fined up to \$50,000.00 per incident."

**SECTION 9.**

Said article is further amended in Code Section 50-27-102, relating to role of the corporation, implementation and certification, and separation of funds and accounting, by adding a new subsection to read as follows:

"(d)(1) As a condition of the license issued pursuant to this article, no master licensee or location owner or location operator shall replace or remove a Class A or Class B bona fide coin operated amusement machine from a location until the master licensee and location owner or location operator certify to the corporation that there are no disputes regarding any agreement, distribution of funds, or other claim between the master licensee and location owner or location operator; provided, however, that this certification shall not be required if a master licensee is replacing its own Class A or Class B bona fide coin operated amusement machine at a location. If either the master licensee or location owner or location operator is unable to make the certification required by this Code section, the corporation shall refer the dispute to a hearing officer as set forth in this subsection.

(2) All disputes subject to the provisions of this Code section shall be decided by a hearing officer approved or appointed by the corporation. The corporation shall adopt rules and regulations governing the selection of hearing officers after consultation with the Bona Fide Coin Operated Amusement Machine Operator Advisory Board. Costs of the hearing officer's review, including any hearing set pursuant to this Code Section, shall be shared equally between the parties in the dispute; provided, however, that the corporation shall not be responsible for any of the costs associated with the dispute resolution mechanism set forth in this Code section.

(3) The corporation shall also adopt rules governing the procedure, evidentiary matters, and any prehearing discovery applicable to disputes resolved pursuant to this Code section. Such rules shall be consistent with the Georgia Arbitration Code, and the corporation shall consult the Bona Fide Coin Operated Amusement Machine Operator Advisory Board regarding the procedures or rules adopted pursuant to this subsection. Notwithstanding Code Section 9-9-9, such procedures and rules shall include at least the right of notice to produce books, writings, and other documents or tangible things; depositions; and interrogatories.

(4) If requested by the master licensee or the location owner or location operator, the hearing officer shall conduct a hearing as to the dispute, but in no case shall the hearing officer conduct a hearing more than 90 days after he or she has been appointed or selected to decide the dispute. No Class B bona fide coin operated amusement machine that is subject to the dispute resolution mechanism required by this Code section shall be removed from the terminal by a master licensee, location owner, or location operator or otherwise prevented by a master licensee, location owner, or location operator from play by the public until a final decision is entered and all appellate rights have been exhausted, or until the master licensee and location owner or location operator agree to a resolution, whichever occurs first.

(5) The decision of the hearing officer may be appealed to the chief executive officer or his or her designee. The chief executive officer shall not reverse a finding of fact

of the hearing officer if any evidence supports the hearing officer's conclusion. The chief executive officer shall not reverse a conclusion of law of the hearing officer unless it was clearly erroneous, arbitrary, and capricious or exceeded the hearing officer's jurisdiction. The decision of the chief executive officer may be appealed to the Superior Court of Fulton County, which court shall not reverse the chief executive officer's findings of fact unless it is against the weight of the evidence as set forth in Code Section 5-5-21, and the chief executive officer's legal conclusions shall not be set aside unless there is an error of law."

### SECTION 10.

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
E 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	N 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	N Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
N Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	N Prince	Y Taylor, T
N Brockway	Y Efrstration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Y Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	N Raffensperger	E Thomas, E
N Bryant	Y Epps	Y Jordan	Y 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
Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
N Cantrell	Y Frazier	N Kirby	Y Rice	Y Weldon
Carson	Y Frye	Y Knight	Y Roberts	N Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	N Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E 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	Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 138, nays 27.

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

House of Representatives  
18 Capitol Square, SW  
Legislative Office Building, Room 612  
Atlanta, Georgia 30334

March 27, 2015

Clerk of the House of Representatives,

Please record my vote on Senate Bill 190 to a "YES." It was not my intention to vote "NO".

Thanking you in advance for your assistance.

Sincerely,

/s/ David Clark  
Representative David Clark  
District 98

The Speaker announced the House in recess until 1:00 o'clock, this afternoon.

**AFTERNOON SESSION**

The Speaker called the House to order.

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

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

HR 826	Do Pass
HR 829	Do Pass
SB 126	Do Pass, by Substitute

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

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

Mr. Speaker:

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

HB 669	Do Pass, by Substitute
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Respectfully submitted,  
/s/ Tankersley of the 160th  
Chairman

The following Resolutions of the House were read and adopted:

HR 831. By Representative Willard of the 51st:

A RESOLUTION commending Amy Coleman for bravery; and for other purposes

HR 832. By Representatives Kaiser of the 59th, Gardner of the 57th, Buckner of the 137th, Sims of the 123rd, Brooks of the 55th and others:

A RESOLUTION recognizing March 26, 2015, as Georgia Food Bank Association Day at the state capitol; and for other purposes.

HR 833. By Representatives Kaiser of the 59th, Sims of the 123rd, Buckner of the 137th, Howard of the 124th, Gardner of the 57th and others:

A RESOLUTION honoring the life and memory of Governor Carl Sanders; and for other purposes.

HR 834. By Representatives Smyre of the 135th, Randall of the 142nd, Abrams of the 89th, Hugley of the 136th and Dickerson of the 113th:

A RESOLUTION commending the Arthritis Foundation and recognizing Ms. April West, 2015 Walk to Cure Arthritis Adult Honoree; and for other purposes.

HR 835. By Representative Tanner of the 9th:

A RESOLUTION commending Lane Tyson, Ashley Price, Larrenda Burch, Sarah Wallace, and Julie Hogan of Lumpkin County High School; and for other purposes.

HR 836. By Representative O`Neal of the 146th:

A RESOLUTION commending R. Wayne Lowe; and for other purposes.

HR 837. By Representatives Martin of the 49th, Jones of the 47th, Raffensperger of the 50th, Willard of the 51st and Wilkinson of the 52nd:

A RESOLUTION congratulating the 2014 Milton High School girls lacrosse team on winning the state championship; and for other purposes.

HR 838. By Representative Kirby of the 114th:

A RESOLUTION commending Georgia Golf and Travel and recognizing April 2, 2015, as Georgia Golf Trail Day; and for other purposes.

HR 839. By Representatives Howard of the 124th, Sims of the 123rd, Frazier of the 126th, Smith of the 125th and Prince of the 127th:

A RESOLUTION recognizing the 45th anniversary celebration of the Central Savannah River Area (CSRA) Business League, Inc.; and for other purposes.

HR 840. By Representatives Howard of the 124th, Sims of the 123rd, Frazier of the 126th, Smith of the 125th and Prince of the 127th:

A RESOLUTION commending Coach Otis L. Smart for his dedicated service to Lucy C. Laney High School; and for other purposes.

HR 841. By Representatives Werkheiser of the 157th, Yates of the 73rd, Petrea of the 166th, Hitchens of the 161st, Bryant of the 162nd and others:

A RESOLUTION commending Lamar Smith Signature Homes; and for other purposes.

HR 842. By Representatives Brooks of the 55th and Thomas of the 56th:

A RESOLUTION honoring the life and memory of Reverend Willie Barrow; and for other purposes.

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

HR 612. By Representatives Cooper of the 43rd, Randall of the 142nd, Clark of the 101st, Bennett of the 94th, Stephenson of the 90th and others:

A RESOLUTION creating the House Study Committee on Fibroids Education and Awareness; and for other purposes.

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

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

Y Abrams	Coomer	Y Harbin	Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Anderson	E Dawkins-Haigler	Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	E Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	N Spencer
Y Barr	Y Dickerson	Y Hightower	E 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	Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	E 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 Efstrotation	Jones, J.B.	Y Pruettt	E Teasley
Y Brooks	Y Ehrhart	Jones, L	Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Y Bryant	Y Epps	Y Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E 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	Gravley	Mayo	Y Sharper	Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	McClain	E Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 145, nays 3.

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

House of Representatives  
Coverdell Legislative Office Building  
Room 411  
Atlanta, GA 30334

March 27, 2015

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

Dear Mr. Reilly:

I am writing to notify you that I was on the House floor on Friday, March 27, 2015 during the vote on House Resolution 612. I was unable to return to my seat in time to cast my vote.

I would like to have my vote recorded in favor of HR 612. Thank you for your consideration with this matter.

Sincerely,

/s/ Jeff Jones  
House District 167

The Committee on Rules limited debate on the following Bill of the Senate. Pursuant to House Rule 33.3, debate was limited to no longer than one hour (inclusive of the opening and closing remarks). The time was allocated by the Speaker.

SB 139. By Senators Harper of the 7th, Mullis of the 53rd, Wilkinson of the 50th, Tolleson of the 20th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide that any regulation regarding the use, disposition, or sale or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers shall be done only by general law; to provide for legislative findings; to provide for a definition; to provide for related matters; 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 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide that any regulation regarding the use, disposition, or sale or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers shall be done only by general law; to provide for legislative findings; to provide for a definition; to provide for exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by adding a new article to read as follows:

"ARTICLE 3510-1-940.(a) The General Assembly finds that:(1) Prudent regulation of auxiliary containers is crucial to the welfare of Georgia's economy;(2) Retail and food establishments are sensitive to the costs and regulation of auxiliary containers; and(3) If individual political subdivisions of the state regulate such auxiliary containers, there exists the potential for confusing and varying regulations which could lead to unnecessary increased costs for retail and food establishments to comply with such regulations.(b) As used in this Code section, the term 'auxiliary container' means reusable bags, disposable bags, boxes, cups, and bottles which are made of cloth, paper, plastic, extruded polystyrene, or similar materials which are designed for one-time use or for transporting merchandise or food from food and retail facilities.(c) Any regulation regarding the use, disposition, or sale or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers at the retail, manufacturer, or distributor setting shall be done only by general law.(d) Nothing in this Code section shall be construed to prohibit or limit any county or municipal curbside recycling program, designated residential or commercial recycling locations, or commercial recycling program.(e) The provisions of subsection (c) of this Code section shall not apply to the use of auxiliary containers on a property owned by a county or municipality."**SECTION 2.**

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

**SECTION 3.**

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 67, nays 85.

The Bill, having failed to receive the requisite constitutional majority, was lost.

SB 175. By Senators Black of the 8th, Wilkinson of the 50th and Ginn of the 47th:

A BILL to be entitled an Act to amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions relative to animal protection, so as to require inspection of certain animals entering into the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions relative to animal protection, so as to require inspection of

certain animals entering into the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions relative to animal protection, is amended by revising Code Section 4-11-11, relating to inspection requirements for animals shipped into the state, as follows:

"4-11-11.

(a) It shall be unlawful for any person to ship or import any ~~animal, other than~~ equines, poultry, livestock, or birds, ~~cold-blooded animals, and rodents~~, into this state ~~for the purpose of resale unless such animal is~~ accompanied by a ~~U.S. interstate or international certificate of health~~ an official interstate or international certificate of veterinary inspection.

(b) In addition to the provisions of subsection (a) of this Code section, it shall be unlawful to ship or import into this state any other type of animal which the commissioner has determined poses a significant risk of disease to domestic animals or humans within this state unless such animal is accompanied by such certificate. The commissioner shall maintain on the department website a listing of all other types of animals determined to pose a significant risk of disease in accordance with this subsection.

(c) No such certificate shall be required for poultry originating from flocks participating in the National Poultry Improvement Plan administered by the United States Department of Agriculture."

**SECTION 2.**

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

An amendment by Representative Turner of the 21st was ruled out of order because it failed to meet the time requirement pursuant to Rule 33.2(b), requiring that amendments to legislation designated as Modified Open Rule be pre-printed and placed upon the desks one hour prior to debate.

The following amendment was read:

Representative Turner of the 21st offers the following amendment:

*Amend the House Committee on Agriculture and Consumer Affairs substitute to SB 175 (LC 40 0933S) by replacing lines 12 and 13 with the following:*

poultry, livestock, or birds, ~~cold-blooded animals, and rodents~~, into this state for the purpose of resale unless ~~such animal is~~ accompanied by a ~~U.S. interstate or international~~

*By replacing line 16 with the following:*

to ship or import into this state for the purpose of resale any other type of animal which the commissioner has

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

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

On the adoption of the amendment, the ayes were 20, nays 135.

The amendment was lost.

The Committee substitute was adopted.

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

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

Y Abrams	N Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E 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	E Nimmer	Y Smyre
Y Ballinger	Y Dempsey	N Henson	Y Nix	N Spencer
N Barr	Y Dickerson	N Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	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	Y Drenner	E Howard	Y Peake	N Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	N Pezold	Y Tanner
Y Beskin	E 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	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y 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	Fludd	Y Kidd	Y Rhodes	Y Welch
N Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E 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	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 147, nays 15.

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

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

Mr. Speaker:

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

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.

HB 505. By Representatives Cooper of the 43rd, Ramsey of the 72nd, Bennett of the 94th, Gasaway of the 28th, Cheokas of the 138th and others:

A BILL to be entitled an Act to amend Chapter 33 of Title 43 of the Official Code of Georgia Annotated, relating to physical therapists, so as to revise various provisions regarding the licensure and regulation of physical therapists and physical therapy assistants; to revise definitions; to include additional powers of the State Board of Physical Therapy; to revise provisions regarding use of titles; to revise provisions regarding granting licenses and discipline of licensees; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 57. By Representatives Dudgeon of the 25th, Drenner of the 85th, Brockway of the 102nd, Geisinger of the 48th, Setzler of the 35th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 46 of the O.C.G.A., relating to the generation and distribution of electricity generally, so as to provide for financing of solar technology by retail electric customers for the generation of electric energy to be used on and by property owned or occupied by such customers or to be fed back to the electric service provider; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 259. By Representatives Rogers of the 10th, Dickey of the 140th, Coomer of the 14th, Nimmer of the 178th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to state purchasing, so as to provide an exemption from competitive bidding procedures; to increase the exemption threshold for competitive bidding procedures; to change a short title; to change a definition relative to small business assistance; to revise legislative intent; to provide for a short title; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 443. By Representatives Dempsey of the 13th, Yates of the 73rd, Coomer of the 14th, Atwood of the 179th, Meadows of the 5th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions regarding labor and industrial relations, so as to permit employers to create and use a policy that provides preferential hiring, promoting, or retention to veterans of the armed forces of the United States; to provide for definitions; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HOUSE SUPPLEMENTAL RULES CALENDAR  
FRIDAY, MARCH 27, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 38th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

None

**Modified Structured Rule**

None

**Structured Rule**

SB 82 Motor Vehicles; distribution of alternative ad valorem tax proceeds; revise and change certain provisions (Substitute)(W&M-Rice-95th) Wilkinson-50th

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 Senate were taken up for consideration and read the third time:

SB 82. By Senators Wilkinson of the 50th, Ginn of the 47th, Gooch of the 51st, Williams of the 19th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and alternative ad valorem taxation of apportionable vehicles, so as to revise and change certain provisions regarding the distribution of alternative ad valorem tax proceeds; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and alternative ad valorem taxation of apportionable vehicles, so as to revise and change, for a limited period of time, certain provisions regarding the distribution of alternative ad valorem tax proceeds; to provide for automatic repeal; to amend Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed property, so as to change provisions relating to publication of notices of unclaimed property; to provide for the retention of administrative expenses; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and alternative ad valorem taxation of apportionable vehicles, is amended by revising subsection (m) and adding a new subsection to read as follows:

"(m)(1) The alternative ad valorem tax imposed by this Code section shall be collected by the commissioner and shall be distributed annually from the separate, segregated fund not later than ~~April~~ August 1 of the calendar year immediately following the calendar year in which such taxes were paid to the commissioner, in the manner provided for in this subsection.

(2)(A) One percent of the alternative ad valorem tax collected by the commissioner shall be paid into the general fund of the state treasury in order to defray costs of administration.

(B) Except for the amount provided in subparagraph (A) of this paragraph, the remaining proceeds of the alternative ad valorem tax shall be allocated by county based upon the ratio of the number of apportioned vehicles attributed by the commissioner on an annual basis to each county to the number of apportioned vehicles submitted to and approved by the commissioner statewide. The proceeds so allocated shall then be distributed to each qualified tax jurisdiction within the county based upon the ratio of the most recently submitted and approved tax digest for each such qualified tax jurisdiction to the total of all tax digests of qualified tax jurisdictions located in the county. Qualified jurisdictions include only counties, municipalities, county school districts, and independent school districts which levy or cause to be levied for their benefit a property tax on real and tangible personal property.

~~(2) Each year, the distributions of alternative ad valorem tax proceeds under this subsection shall be based upon the immediately preceding year's tax digest of each participating tax authority submitted to and approved by the commissioner. If such digest has not been submitted and approved, the commissioner shall, for purposes of this subsection, utilize in its place the most recently submitted and approved tax digest of such participating tax jurisdiction.~~

~~(3)(A) One percent of the alternative ad valorem tax collected by the commissioner shall be paid into the general fund of the state treasury in order to defray costs of administration.~~

~~(B) Except for the amount provided in subparagraph (A) of this paragraph, the remaining proceeds of the alternative ad valorem tax shall be divided among each tax jurisdiction of this state. Such tax jurisdictions shall be limited to only a county, municipality, county school district, and independent school district which levies or causes to be levied for their benefit a property tax on real and tangible personal property.~~

~~(C) The distribution shall be made according to the proportion that the amount of ad valorem taxes to be collected by a tax jurisdiction under the tax digest specified under paragraph (2) of this subsection bears to the total amount of ad valorem taxes~~

~~to be collected for all purposes applicable to real and tangible personal property in this state for the immediately preceding calendar year.~~

(n)(1) The provisions of subsection (m) of this Code section shall be suspended for the 2015, 2016, 2017, 2018, and 2019 tax years, and the provisions of this subsection shall apply during such period. This subsection shall stand repealed on January 1, 2020.

(2) The alternative ad valorem tax imposed by this Code section shall be collected by the commissioner and shall be distributed annually from the separate, segregated fund not later than April 1 of the calendar year immediately following the calendar year in which such taxes were paid to the commissioner, in the manner provided for in this subsection.

(3) Except as provided in paragraph (4) of this subsection, each year, the distributions of alternative ad valorem tax proceeds under this subsection shall be based upon the immediately preceding year's tax digest of each qualified tax authority submitted to and approved by the commissioner. If such digest has not been submitted and approved, the commissioner shall, for purposes of this subsection, utilize in its place the most recently submitted and approved tax digest of such qualified tax jurisdiction.

(4)(A) One percent of the alternative ad valorem tax collected by the commissioner shall be paid into the general fund of the state treasury in order to defray costs of administration.

(B) Except for the amount provided in subparagraph (A) of this paragraph, the remaining proceeds of the alternative ad valorem tax shall be divided among each qualified tax jurisdiction of this state. Such qualified tax jurisdictions shall be limited to only a county, municipality, county school district, and independent school district which levies or causes to be levied for their benefit a property tax on real and tangible personal property. The commissioner shall determine the amount of ad valorem tax on apportionable vehicles identified under subsections (a), (b), and (c) of this Code section that was received by each qualified tax jurisdiction for the 2013 tax year. Such amount shall represent the benchmark amount for such qualified tax jurisdiction:

(i) For the 2015 tax year, each qualified tax jurisdiction shall receive an amount of alternative ad valorem tax revenue equal to such benchmark amount;

(ii) For the 2016 tax year, each qualified tax jurisdiction shall receive an amount of alternative ad valorem tax revenue equal to 80 percent of such benchmark amount;

(iii) For the 2017 tax year, each qualified tax jurisdiction shall receive an amount of alternative ad valorem tax revenue equal to 60 percent of such benchmark amount;

(iv) For the 2018 tax year, each qualified tax jurisdiction shall receive an amount of alternative ad valorem tax revenue equal to 40 percent of such benchmark amount;

(v) For the 2019 tax year, each qualified tax jurisdiction shall receive an amount of alternative ad valorem tax revenue equal to 20 percent of such benchmark amount; and

(vi) For all tax years beginning on or after January 1, 2020, each qualified tax jurisdiction shall receive the amount of alternative ad valorem tax revenue determined pursuant to subsection (m) of this Code section.

(C) In the event that the amount of ad valorem tax on apportionable vehicles collected in a tax year covered under this subsection is less than the benchmark amount, then the benchmark distribution of each qualified tax jurisdiction for such tax year shall be reduced proportionately to reflect the amount of such shortfall. In the event a qualified tax jurisdiction ceases to be a qualified tax jurisdiction, it shall not be entitled to receive a distribution of either the benchmark amount under this subparagraph or the remaining distribution amount under subparagraph (D) of this paragraph.

(D) When a qualified tax jurisdiction has received an amount equal to the prorated benchmark amount pursuant to subparagraph (B) of this paragraph for the applicable tax year, any funds remaining with the commissioner shall be distributed in accordance with the formula contained in subparagraph (m)(2)(B) of this Code section."

## **SECTION 2.**

Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed property, is amended by revising Code Section 44-12-215, relating to publication of the "Georgia Unclaimed Property List," as follows:

"44-12-215.

(a) The commissioner shall ~~cause to be published~~ electronically publish notice of the reports filed under Code Section 44-12-214, ~~once a year in a newspaper of general circulation on the Department of Revenue's website.~~

(b) The published notice shall be entitled the 'Georgia Unclaimed Property List' and shall contain the names in alphabetical order and the internal identification number of persons listed in the report and entitled to notice within the county as provided in Code Section 44-12-214.

(c) The notice shall contain a statement that information concerning the amount or description of the property and the name of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the commissioner.

(d) The commissioner ~~is~~ shall not be required to publish in such notice any item with a value of less than \$50.00 unless ~~he~~ the commissioner deems such publication to be in the public interest."

## **SECTION 3.**

Said article is further amended by revising Code Section 44-12-218, relating to disposition of funds received under article, as follows:

"44-12-218.

All funds received under this article, including the proceeds from the sale of abandoned property under Code Section 44-12-217, shall ~~forthwith~~ be deposited by the commissioner in the general fund; provided, however, that the commissioner may deduct moneys necessary to cover the direct administrative expenses required to identify, locate, secure, and transmit abandoned property prior to depositing such funds. Before making a deposit he or she shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant and, with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due."

#### SECTION 4.

- (a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
- (b) Section 1 of this Act shall apply to all disbursements which occur after the effective date of this Act.

#### SECTION 5.

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

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E 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	E 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	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E 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	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E 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	E 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	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E 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	E 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.

Representative Rice of the 95th asked unanimous consent that SB 82 be immediately transmitted to the Senate.

It was so ordered.

SB 69. By Senators Hill of the 32nd, Thompson of the 14th, Beach of the 21st, Hill of the 6th and Harper of the 7th:

A BILL to be entitled an Act to amend Part 3 of Article 1 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to the State Defense Force, so as to remove restrictions regarding the rights of public officers and employees to be absent for service on the State Defense Force and regarding reemployment rights of persons after service on the State Defense Force; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	N Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
E 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	E Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer

Y Barr	Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
N Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E 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	N Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E 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	Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E 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	Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 154, nays 3.

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

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

Mr. Speaker:

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

HB 153. By Representatives Weldon of the 3rd, Willard of the 51st, Reeves of the 34th, Kelley of the 16th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the regulation of the practice of law, so as to provide for a civil action for damages; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 313. By Representatives Dickey of the 140th, Nimmer of the 178th, Coomer of the 14th, Mayo of the 84th and Howard of the 124th:

A BILL to be entitled an Act to amend Article 2 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to leaves of absence for certain public employees, so as to authorize the application for limited paid leave for the purpose of promoting education in this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

- HB 278. By Representatives Clark of the 98th, Pruett of the 149th, Barr of the 103rd, Jones of the 167th, Cantrell of the 22nd and others:

A BILL to be entitled an Act to amend Chapter 22 of Title 45 of the Official Code of Georgia Annotated, the "Public Employee Hazardous Chemical Protection and Right to Know Act of 1988," so as to transfer responsibility under such chapter to the Safety Fire Commissioner; to define certain terms; to provide for rules and regulations; to provide for the provision of certain information relative to hazardous materials to the commissioner; to provide for grievances and judicial review; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 310. By Representatives Powell of the 32nd, Coomer of the 14th, Nimmer of the 178th, Rogers of the 10th, Dickey of the 140th and others:

A BILL to be entitled an Act to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions; to amend Titles 15, 16, 17, 19, 20, 21, 34, 35, 37, 40, 42, 43, 45, 48, and 49 of the O.C.G.A., relating to courts, crimes and offenses, criminal procedure, domestic relations, education, elections, labor and industrial relations, law enforcement officers and agencies, mental health, motor vehicles and traffic, penal institutions, professions and businesses, public officers and employees, revenue and taxation, and social services, respectively, so as to conform provisions to the new Chapter 3 of Title 42; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

- HB 314. By Representatives Tankersley of the 160th and Rynders of the 152nd:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to combine

the State Board of Barbers and State Board of Cosmetology; to repeal conflicting laws; and for other purposes.

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

SB 4. By Senators Gooch of the 51st, Williams of the 19th, Mullis of the 53rd, Orrock of the 36th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban redevelopment for counties and municipal corporations, so as to provide for the use of surface transportation projects in urban redevelopment areas; to provide for definitions; to provide for public contracts with private enterprises for the completion of surface transportation projects; to provide for methods of procurement for surface transportation projects in urban redevelopment areas; to provide for limitations on former public employees when negotiating contracts for surface transportation projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban redevelopment for counties and municipal corporations, so as to provide for the use of surface transportation projects in urban redevelopment areas; to provide for definitions; to provide for public contracts with private enterprises for the completion of surface transportation projects; to provide for methods of procurement for surface transportation projects in urban redevelopment areas; to provide for utility relocation costs associated with certain surface transportation projects; to provide for limitations on former public employees when negotiating contracts for surface transportation projects; to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to provide for the formation of a metropolitan planning process for the Atlanta Urbanized Area and Atlanta Air Quality region; 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 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban redevelopment for counties and municipal corporations, is amended by revising

paragraphs (17) and (19) through (22) and adding two new paragraphs to Code Section 36-61-2, relating to definitions, as follows:

"(17) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment of a slum area or portion thereof, in accordance with an urban redevelopment plan, by:

(A) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(B) Acquisition of real property and rehabilitation or demolition and removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen or increase density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of slums or deterioration, or to provide land for needed public facilities or improvements, including, but not limited to, surface transportation projects;

(C) Installation, construction, or reconstruction of streets, transit facilities and improvements, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter; and

(D) The disposition of any property acquired in such urban redevelopment area, including sale, initial leasing or retention by the municipality or county itself, at its fair value for uses in accordance with the urban redevelopment plan."

"(19) 'Slum clearance and redevelopment' may include:

(A) Acquisition of a slum area or portion thereof;

(B) Rehabilitation or demolition and removal of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, transit facilities, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks, playgrounds, and other public facilities and improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and

(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan.

(20) 'Sponsoring local government' means the municipality or county which approves and is, directly or indirectly, providing the greatest percentage of the public funding, exclusive of federal funding, for a surface transportation project.

(21) 'Surface transportation project' means a project for public improvement and any related public facilities which is planned to impact 10,000 or more acres and at least ten transit miles within the area of operation of the sponsoring local government, including any related facilities, systems, parks, trails, streets, greenspace, and any other integrated public or private development features included within any adopted infrastructure or transportation plan, urban redevelopment plan, strategic implementation plan, redevelopment plan, workable programs, or comprehensive

plans. Surface transportation projects may be undertaken under this chapter in areas proximate to, but lying outside of, a designated urban redevelopment area, without regard to any requirement that the area be a blighted area, but only within the territorial limits of the sponsoring local government, provided that:

(A) The majority of the applicable surface transportation project is located within one or more urban redevelopment areas;

(B) The elements of such surface transportation project lying outside of one or more urban redevelopment areas are a functional component of a redevelopment plan authorized under the provisions of Chapter 44 of this title or a comprehensive development plan adopted in accordance with the rules of the Department of Community Affairs under Chapter 8 of Title 50;

(C) The sponsoring local government determines that the elements of the surface transportation project lying outside of one or more urban redevelopment areas are essential to the full implementation of such project, which legislative determination shall be deemed conclusive; and

(D) The location of such surface transportation project is wholly within a county or counties that have approved a referendum pursuant to Section 24 of an Act creating the Metropolitan Atlanta Rapid Transit Authority, approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

(22) 'Urban redevelopment area' means a slum area which the local governing body designates as appropriate for an urban redevelopment project.

~~(21)~~(23) 'Urban redevelopment plan' means a plan, as it exists from time to time, for an urban redevelopment project, which plan shall:

(A) Conform to the general plan for the municipality or county as a whole; and

(B) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban redevelopment area; zoning and planning changes, if any; land uses; maximum densities; building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

~~(22)~~(24) 'Urban redevelopment project' may include undertakings or activities of a municipality or county in an urban redevelopment area for the elimination and for the prevention of the development or spread of slums and may involve slum clearance and redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban redevelopment area, the implementation of public improvements, including, but not limited to, surface transportation projects, or any combination or part thereof, in accordance with an urban redevelopment plan. Although the power of eminent domain may not be exercised for such the following purposes, such undertakings or activities may include:

(A) Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting of lands and highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a

blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income; and

(B) Construction of foundations and platforms necessary for the provision of air rights sites of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income or construction of foundations necessary for the provision of air rights sites for development of nonresidential facilities."

## SECTION 2.

Said chapter is further amended by revising Code Section 36-61-4, relating to the encouragement of private enterprise in urban redevelopment, as follows:

"36-61-4.

(a) A municipality or county, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, to the rehabilitation or redevelopment of the urban redevelopment area by private enterprise. A municipality or county shall give consideration to this objective in exercising its powers under this chapter, including: the formulation of a workable program; the approval of urban redevelopment plans consistent with the general plan for the municipality or county; the adoption and enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the disposition of any property acquired; and the provision of necessary public improvements.

(b) Notwithstanding anything in this chapter or other provisions of law to the contrary, and in order to give effect to the encouragement of private enterprise contemplated in this Code section, the following shall apply to contracts and agreements for surface transportation projects entered into pursuant to this chapter:

(1) In addition to other methods of procurement authorized by law, the sponsoring local government, urban redevelopment agency, or other governing body shall be authorized to utilize the procedures of this chapter to provide for the planning, design, finance, construction, acquisition, leasing, operation, and maintenance of surface transportation projects. The provisions of this chapter shall be an alternative to such other methods to be exercised at the option of each sponsoring local government or public body;

(2) One or more public bodies may participate in the consideration and implementation of a surface transportation project at the discretion of the sponsoring local government. Where more than one public body agrees to participate in the consideration or implementation of a surface transportation project, the participants may designate one or more representatives of each such participating public body, as agreed to by the sponsoring local government or the urban redevelopment agency;

(3)(A) An urban redevelopment agency designated by the sponsoring local government may evaluate a project to determine the appropriate or desirable levels of public and private participation in planning, designing, financing, constructing, operating, maintaining, or facilitating, or any combination thereof, for the execution of such project. Such urban redevelopment agency may designate a public nonprofit, private corporation, body, or entity to perform this function and to otherwise perform the activities contemplated in this Code section.

(B) A sponsoring local government or an urban redevelopment agency shall be authorized to issue, individually or in sequenced stages, written requests for expressions of interest, qualifications, or proposals, or any combination thereof, or other similar methods of procurement or solicitation. Such requests shall indicate the scope of the project, the proposed public and private financial participation in the project, including, but not limited to, the rights, responsibilities, obligations, revenue sharing features, any lease, license, availability or other payment rights, and any other allocations of interests and federal and state income tax benefits in respect of real and personal property relating to a project. Such requests shall include the factors to be used in evaluating responses, the relative importance of any applicable evaluation factors, and other contractual terms and conditions expected, including any unique capabilities or qualifications that will be required of respondents, as determined in the sole discretion of the designated representative of the sponsoring local government. Public notice of such requests shall be made at least 30 days prior to the date set for the release of said request by posting a legal notice on the websites and weekly in the legal organ of the sponsoring local government and the public body implementing the project, in substantially the same manner utilized by such public bodies in order to solicit requests for proposals, with a copy of such notice provided simultaneously to each affected public body.

(C)(i) The public body implementing the project and the sponsoring local government, with the participation of any designated representatives of other participating public bodies as determined by the sponsoring local government, may engage in individual discussions and interviews with each respondent deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis on professional competence and ability to meet the level of private financial participation as called for in such request. Repetitive interviews may be conducted. Any such interviews shall be deemed to be a part of the procurement process.

(ii)(I) At the conclusion of the final stage, on the basis of evaluation factors published in the request and all information developed in the selection process, the public body implementing the surface transportation project, in an open and public meeting subject to the provisions of Chapter 14 of Title 50, shall rank the proposals in accordance with the factors set forth in the request for proposal or invitation for bids.

(II) After ranking the proposals, the public body implementing the project shall begin negotiations with the first ranked private entity. If such public body and

first ranked private entity do not reach a comprehensive agreement or interim agreement, such public body may conduct negotiations with the next ranked private entity. Such process shall continue until such public body either voluntarily abandons the process or executes a comprehensive agreement or interim agreement with a private entity. Negotiations conducted with one or more selected respondent pursuant to this Code section shall continue to be deemed an active procurement until the execution of the final, definitive agreement with the selected respondent or respondents.

(iii) The public body implementing the project shall select for approval the respondent offering the most satisfactory and advantageous contract terms for the project based upon a thorough assessment of any one or more of the following: experience and reputation with similar projects; engineering and design quality; value; projected savings during, before, or after construction; and the ability of the final project's characteristics to meet the goals of the sponsoring local government, consistent with applicable plans and programs. The fair market value of any property included as a part of the procurement may be based on the consideration of the above factors, but it shall not be less than the initial cost to obtain the property. Before making such selection, the designated representative shall consult in an open and public meeting subject to the provisions of Chapter 14 of Title 50 with the representatives of any participating local governing authority, participating local authority, participating state agency, department, or authority, and affected local government. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the request, the implementing public body may award contracts to more than one respondent. Should the implementing public body determine in writing that only one respondent is fully qualified, or that one respondent is clearly more highly qualified and suitable than the other respondents under consideration, a contract may be negotiated and awarded to that respondent.

(iv) Upon approval of the selection by the implementing public body, a contract or contracts not exceeding 50 years in duration may be entered into by the urban redevelopment agency or any one or more of the participating public bodies and the selected respondent or respondents. The private financial data or financial plans which qualify as trade secrets pursuant to Code Section 10-1-761 and paragraph (34) of subsection (a) of Code Section 50-18-72 provided by the respondents shall remain exempt from Code Section 50-18-72 during and after the conclusion of the related selection process.

(D) A dispute over the award of a contract under this chapter shall be resolved by the filing of a petition in the superior court of the county in which the sponsoring local government is located within 30 days of the awarding of such contract and shall be determined through the use of a special master appointed by the judge of the superior court of the county in which the sponsoring local government is located. The special master shall not be authorized to enjoin or otherwise delay or suspend the execution of the contract and any work to be performed under such

contract. The decision of the special master with regard to such dispute shall be appealable for a de novo review to the superior court of the county in which the sponsoring local government is located within 30 days following the decision of the special master.

(E) Nothing in this chapter shall require the designated representatives, the sponsoring local government, the implementing public body, or any participating public body to continue negotiations or discussions arising out of any request or any other procurement initiated under the provisions of this Code section.

(F) Every public body shall be authorized to promulgate reasonable rules and regulations to assist in its evaluation of responses and to implement the purposes of this chapter; provided, however, that unsolicited proposals shall not be permitted;

(4) No public officer, employee, or member of any participating public body, with respect to contracts of such public body, or the General Assembly shall serve as an agent, lobbyist, or board member for any private entity directly or indirectly under a contract or negotiating a contract provided for by this chapter for one year after leaving his or her position as a public officer, employee, or member of the public body or the General Assembly;

(5) Contracts entered into with a private enterprise in respect to the design, construction, operation, financing, or management of the public components of a surface transportation project shall not constitute the acquisition of property for a private use, nor shall such contracts be deemed a sale, lease, or other disposition of the related interests in property under any provisions of this chapter or other provision of applicable law, and such public components of a surface transportation project shall be deemed a public use for all purposes under applicable provisions of law, including, without limitation, Code Sections 36-61-9 and 36-61-10; and

(6) If a surface transportation project requires the relocation of a utility, as defined by paragraph (30) of Code Section 32-1-3, the public body implementing such project shall bear the costs to relocate the utility.

(c) Nothing in this Code section shall be construed to modify, amend, or supercede a provision in a franchise agreement or limit any statutory or common law rights relating to liability for relocation costs of utilities as such term is defined in paragraph (30) of Code Section 32-1-3."

### **SECTION 3.**

Said chapter is further amended by revising Code Section 36-61-6, relating to formulation of a workable program for urban redevelopment, as follows:

"36-61-6.

For the purposes of this chapter, a municipality or county may formulate a workable program for utilizing appropriate private and public resources including those specified in Code Section 36-61-11, to eliminate and prevent the development or spread of slums, to encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or to undertake such of the aforesaid activities or such other feasible municipal or county activities as may be suitably employed to achieve the objectives of

such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of slums into areas of the municipality or county which are free from slums, through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum areas or portions thereof by replanting, removing congestion, providing parks, playgrounds, and other public improvements, including without limitation surface transportation projects, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum areas or portions thereof."

#### SECTION 4.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 36-61-10, relating to the disposal of property in a redevelopment area, as follows:

"(b)(1) A municipality or county may dispose of real property in an urban redevelopment area to private persons only under such reasonable competitive bidding procedures as it shall prescribe, ~~or~~ as are provided in this subsection or, solely with respect to and for the benefit of advancing surface transportation projects, as provided in Code Section 36-61-4. A municipality or county, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under this Code section, may invite proposals from and make available all pertinent information to private developers or any persons interested in undertaking to redevelop or rehabilitate an urban redevelopment area or any part thereof. The notice shall identify the area or portion thereof and shall state that such further information as is available may be obtained at such office as shall be designated in the notice. The municipality or county shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality or county in the urban redevelopment area. The municipality or county may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this chapter. The municipality or county may execute contracts in accordance with subsection (a) of this Code section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contracts."

#### SECTION 5.

Said chapter is further amended by revising Code Section 36-61-12, relating to the issuance of bonds for urban redevelopment projects, as follows:

"36-61-12.

(a) A municipality or county shall have power to issue bonds, in its discretion, from time to time, to finance the undertaking of any urban redevelopment project under this

chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban redevelopment projects and shall also have power to issue refunding bonds for the payment of retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality or county derived from or held in connection with its undertaking and carrying out of urban redevelopment projects under this chapter; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban redevelopment projects of the municipality or county under this chapter, and by a mortgage of any such urban redevelopment projects or any part thereof, title to which is in the municipality ~~or~~, county, or redevelopment agency.

(b) Bonds issued under this Code section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this Code section shall be authorized by resolution or ordinance of the local governing body. They may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution of the local governing body or by the trust indenture or mortgage issued pursuant thereto.

~~(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sales in a newspaper having a general circulation in the area of operation and in such other medium of publication as the municipality or county may determine or may be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal government or to an institution insured by an agency of the federal government at private sale at not less than par and, in the event that less than all of the authorized principal amount of such bonds is sold to the federal government or to an institution insured by an agency of the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality or county, such cost not to exceed the interest cost to the municipality or county of the portion of the bonds sold to the federal government or to an institution insured by an agency of the federal government.~~ All revenue bonds, but not notes or other obligations, issued under this Code section shall be issued and validated under and in accordance with the procedure set forth in Article 3 of Chapter 82 of this title. The provisions of any resolution or ordinance authorizing the issuance of bonds under this Code section shall

be a contract with every holder of such bonds and enforceable by any bondholder by mandamus or other appropriate action or proceeding at law or in equity.

(e) If any of the public officials of the municipality or county whose signatures appear on any bonds or coupons issued under this chapter cease to be such officials before the delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality or county in connection with an urban redevelopment project, as defined in paragraph ~~(22)~~(24) of Code Section 36-61-2, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with this chapter.

(g) Any urban redevelopment agency or housing authority which a municipality or county has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as provided in this Code section, in the same manner as a municipality or county, except that such bonds shall be authorized and the terms and conditions thereof shall be prescribed by the commissioners of such urban redevelopment agency or housing authority in lieu of the local governing body."

#### **SECTION 6.**

Said chapter is further amended by revising subsection (b) of Code Section 36-61-14, related to property exempt from taxes and from levy and sale by virtue of an execution, as follows:

"(b) The property of a municipality, ~~or county,~~ or any other public body, acquired or held for the purpose of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof. Such tax exemption shall terminate when the municipality or county sells, leases, or otherwise disposes of property in an urban redevelopment area to a purchaser or lessee who or which is not a public body."

#### **SECTION 7.**

Said chapter is further amended by revising subsection (a) of Code Section 36-61-16, relating to cooperation by public bodies, as follows:

"(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project located within the area in which it is authorized to act, any public body, upon such terms, with or without consideration, as it may determine, may:

- (1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a municipality or county;

- (2) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Code section;
- (3) Do any and all things necessary to aid or cooperate in the planning or carrying out of an urban redevelopment plan;
- (4) Lend, grant, or contribute funds to a municipality or county;
- (5) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or county or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban redevelopment project and other provisions allocating legal responsibility for matters arising under or in connection with transactions entered into pursuant to Code Section 36-61-4; and
- (6) Cause public buildings and public facilities, including parks, trails, greenspace, playgrounds, recreational, community, education, transit, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality or county.

If at any time title to or possession of any urban redevelopment project is held by any public body or governmental agency, other than the municipality or county, which is authorized by law to engage in the undertaking, carrying out, or administration of urban redevelopment projects, including any agency or instrumentality of the United States of America, the provisions of the agreements referred to in this subsection shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the terms 'municipality' and 'county' shall also include an urban redevelopment agency or a housing authority vested with all of the urban redevelopment project powers pursuant to Code Section 36-61-17."

### **SECTION 8.**

Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, is amended by adding a new article to read as follows:

#### "ARTICLE 12

##### 50-8-280.

(a) Contiguous local governments within which lie designated portions of the Atlanta Urbanized Area, as defined in 23 U.S.C. Section 101(a)(37), or air quality nonattainment areas, as identified under the federal Clean Air Act, 42 U.S.C. Section 7401, et seq., shall participate in a metropolitan transportation planning process through a metropolitan planning organization established by one or more units of government,

or through a metropolitan planning process established through their area regional commission.

(b) The metropolitan transportation and air quality planning area for each regional commission established pursuant to Code Section 50-8-32 and metropolitan area planning and development commission established pursuant to Code Section 50-8-82 shall be defined by paragraph (1) of subsection (f) of Code Section 50-8-4.

(c) Any unit of government that is participating as a limited member of a metropolitan area planning and development commission for transportation purposes and is located outside the planning area defined by paragraph (1) of subsection (f) of Code Section 50-8-4 shall be authorized, on or after July 1, 2015, to designate the local area regional commission to serve as the metropolitan planning organization.

(d) Any unit of government that is not participating as a limited member of a metropolitan area planning and development commission for transportation purposes shall continue to perform metropolitan planning in accordance with 23 U.S.C. Section 134.

(e) Regional commissions and metropolitan area planning and development commissions shall be provided funding by the appropriate state and regional entities to develop a comprehensive transportation and air quality plan for affected local governments within the Atlanta Urbanized Area as defined by the United States Census Bureau and further defined by paragraph (1) of subsection (f) of Code Section 50-8-4.

(f) Each regional commission established pursuant to Code Section 50-8-32 and metropolitan area planning and development commission established pursuant to Code Section 50-8-82 shall establish a policy board that shall govern the transportation and air quality planning process for all affected areas, approve plans, and have equal voting representation from affected local governments.

(g) In the event of any conflict between the provisions of law governing metropolitan planning and development commissions and those governing regional commissions, the laws defined in this Code section shall control and shall govern the metropolitan transportation planning area funding and planning responsibilities."

#### **SECTION 9.**

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

The following amendment was read:

Representative Hamilton of the 24th offers the following amendment:

*Amend the House Committee on Transportation substitute to SB 4 (LC 39 1047S) by adding a quotation mark at the end of line 251 and by deleting lines 252 through 255.*

On the adoption of the amendment, 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	N Mitchell	E Smith, L
E Allison	Y Corbett	Y Harrell	Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	E 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	Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	N 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 Pruet	Y Teasley
Y Brooks	Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
N Buckner	Y Evans	Y Kaiser	Ramsey	Y Turner
Y Burns	E Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	N Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	N Fludd	Y Kidd	Y Rhodes	N Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	N Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E Williams, A
Y Clark, D	Y Golick	Martin	N Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
N Clark, V	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	N Greene	Y McCall	Y Shaw	Yates
Y Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 140, nays 11.

The amendment was adopted.

The Committee substitute, as amended, was adopted.

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

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

Y Abrams	N Coomer	Y Harbin	Y Meadows	Y Smith, E
N Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M

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

On the passage of the Bill, by substitute, as amended, the ayes were 130, nays 29.

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

SB 63. By Senators Hill of the 6th, Gooch of the 51st, Albers of the 56th, Bethel of the 54th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide for manufacturers of malt beverages to make limited retail sales of malt beverages under certain circumstances; to change the definition of a "brewpub"; to provide for licensed brewpubs to sell malt beverages manufactured on its premises to the public for off-premises consumption; to define the term "tasting room"; to provide for legislative intent; to create a limited exception to the three-tier distribution system so as to allow licensed

malt beverage manufacturers to sell limited amounts of malt beverages directly to the public for on-premises and off-premises consumption; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide for manufacturers of certain alcoholic beverages to provide to the public certain quantities and types of such beverages produced by such manufacturer for consumption on and off the premises; to change and provide for certain definitions; to provide for the powers and duties of the state revenue commissioner as to the denial, suspension, or cancellations of permits; to change certain provisions related to penalties; to change certain provisions relating to the number of samples of distilled spirits that may be provided to a person in a calendar day; to provide for the payment of certain taxes by distillers; to provide for the issuance of tour permits to distiller; to provide for the conditions under which distillery tours may be conducted; to allow certain merchandise to be offered to the public by a distiller; to provide for rules and regulations by the Department of Revenue; to provide for a brewpub to sell or otherwise provide certain types and quantities of malt beverages manufactured on its premises for consumption on the premises; to allow brewers to provide limited amounts of malt beverages directly to the public as a part of educational and promotional brewery tours; to authorize a brewer to provide free souvenirs; to change certain provisions related to the provision of tours by brewers; to provide for the payment of certain taxes by brewers; to provide for the conditions under which brewery tours may be conducted; to allow certain merchandise to be offered to the public by a brewer; 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 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising paragraph (3) of Code Section 3-1-2, relating to definitions, as follows:

"(3) 'Brewpub' means any eating establishment in which ~~beer or~~ malt beverages are manufactured ~~or brewed~~, subject to the barrel production limitation prescribed in Code Section 3-5-36 ~~for retail consumption on the premises and solely in draft form~~. As used in this paragraph, the term 'eating establishment' means an establishment which is licensed to sell distilled spirits, ~~beer~~, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the

sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of beer malt beverages sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to subparagraph (C) (D) of paragraph (2) of Code Section 3-5-36, or to the public for consumption off the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of Code Section 3-5-36, shall not be used ~~when determining the total annual gross food and beverage sales.~~"

## SECTION 2.

Said title is further amended by revising Code Section 3-2-3, relating to the powers and duties of commissioner as to denial, suspension, or cancellation of licenses and promulgation of rules and regulations as to conversion of standards of measurement to English system and labeling of distilled spirits, as follows:

"3-2-3.

In addition to his or her other duties and responsibilities to administer this title, the commissioner may:

(1) Deny, suspend, or cancel any license or permit required under this title if:

(A) The license application is not filed in good faith or is filed by some person as a subterfuge for any other person;

(B) Any applicant for a license or permit or any licensee or permit holder under this title willfully fails to comply with any provisions of this title or with rules and regulations adopted by the commissioner; or

(C) Any person to whom a license or permit has been issued is no longer engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee or permit holder under this title.

Before any denial, suspension, or cancellation of a license or permit granted pursuant to this title, the applicant, ~~or licensee,~~ or permit holder shall be afforded a hearing in the manner and subject to the conditions and procedures established by this chapter and the commissioner. The commissioner shall notify an applicant, ~~or licensee,~~ or permit holder in writing of the denial, suspension, or cancellation by registered or certified mail or statutory overnight delivery to the last known address of the applicant, ~~or licensee,~~ or permit holder appearing in the commissioner's files or by personal service upon the applicant, ~~or licensee,~~ or permit holder by an authorized agent of the commissioner. Upon cancellation of a license or permit for cause under this paragraph, there shall be no renewal or reissuance of the canceled license or permit for a period of two years from the date of cancellation;

(2) In the event that the license of any person is canceled by the commissioner under the authority of this title, hold the bonds of the person for a period of three years against any liabilities accruing as a result of the business of the person whose license is canceled. In no event shall the surrender of any bond release any liability;

(3) Enter into agreements with appropriate authorities of other states who enforce the alcoholic beverage laws thereof, to exchange information relative to the manufacture, receipt, sale, use, or transportation of alcoholic beverages;

- (4) Promulgate rules and regulations which he or she deems necessary for the conversion from the metric system of measurement to the equivalent English measurement in United States gallons and subdivisions of gallons and shall compute all tax rates at the equivalent English measurement; and
- (5) Promulgate rules and regulations, not inconsistent with federal laws or regulations, requiring informative labeling of all distilled spirits offered for sale in this state."

### SECTION 3.

Said title is further amended by revising Code Section 3-3-46, relating to penalties, as follows:

"3-3-46.

(a) The violation of any provision of this article by the operator of any licensed premises or any premises for which a permit has been issued shall constitute grounds for the suspension and revocation of any and all alcoholic beverage licenses and permits issued to such operator.

(b) Any person who violates any provision of this article shall be guilty of a misdemeanor of a high and aggravated nature."

### SECTION 4.

Said title is further amended by revising subsection (e) of Code Section 3-4-24, relating to issuance to fruit growers of license to manufacture distilled spirits, storage and disposition, limitations upon manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or municipalities, educational and promotional tours, and tasting room limitations for certain licensees, as follows:

"(e) A manufacturer or distiller issued a license pursuant to this Code section may provide educational and promotional tours upon the issuance of a permit by the commissioner pursuant to Code Section 3-4-180."

### SECTION 5.

Said title is further amended by revising subsection (e) of Code Section 3-4-24.1, relating to distiller's license authorizing manufacture of distilled spirits from agricultural products other than perishable fruits, storage, and educational and promotional tours, as follows:

"(e) A manufacturer or distiller issued a license pursuant to this Code section may provide educational and promotional tours upon the issuance of a permit by the commissioner pursuant to Code Section 3-4-180."

### SECTION 6.

Said title is further amended by revising Code Section 3-4-180, relating to tastings of distilled spirits, definitions, and general provisions, as follows:

"3-4-180.

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

- (1) 'Distillery tour' means guided access to the manufacturing portion of the licensed premises of a distiller.

(2) 'Free souvenir' means a complimentary sealed container of distilled spirits.

~~(4)~~(3) 'Free tastings' means the provision of complimentary samples of distilled spirits to the public for consumption on the premises of a distiller.

~~(2)~~(4) 'Sample' means one-half of one ounce of distilled spirits.

(b)(1) ~~The commissioner shall, upon proper application therefor, issue an annual permit to any~~ A distiller licensed in this state may apply to the commissioner for an annual permit authorizing such distiller to conduct educational and promotional distillery tours on the licensed premises of the distiller, free of charge or for a fee, which may include:

(A) Free souvenirs;

(B) Free food; and

(C) Free ~~free~~ tastings on the premises by members of the public of tax paid varieties distilled spirits manufactured by such distiller.

(2)(A) No distiller providing free souvenirs pursuant to this subsection shall provide, directly or indirectly, more than one free souvenir to the same individual in one calendar day. Each free souvenir shall be a single bottle of distilled spirits, containing not more than 750 milliliters of distilled spirits manufactured by the distiller on the licensed premises.

~~(e)~~(B) No distiller conducting free tastings under this Code section shall provide, directly or indirectly, more than the ~~one sample~~ three samples to a person in one calendar day. Free tastings shall consist of distilled spirits manufactured by the distiller on the licensed premises. Free tastings shall be held in a designated tasting area on the premises of the distiller, and all open bottles containing distilled spirits shall be visible at all times.

(3) Free souvenirs shall only be provided after the distillery tour and only to individuals who have attended a distillery tour on the same calendar day. Free tastings and free food may be provided before, during, and after a distillery tour. An individual shall be 21 years of age or older to receive a free souvenir or free tasting.

(4) The distiller shall pay all excise and use taxes on any samples and all use taxes on any free souvenirs provided pursuant to this subsection.

(c) A distiller may provide to the public free of charge or for a fee merchandise such as shirts, glasses, and other promotional items which do not contain alcoholic beverages.

(d) If a distiller chooses to charge a fee for a distillery tour pursuant to subsection (b) of this Code section, such distiller may charge varying fees for the distillery tours, provided that such fees are charged prior to the beginning of such tour. The provision of distilled spirits by a distiller as part of a distillery tour pursuant to this Code section shall not be deemed a retail sale of alcoholic beverages.

(e) No alcoholic beverages shall be sold on any licensed premises for which a permit has been issued pursuant to this Code section.

(f) The department shall promulgate and enforce such rules and regulations as it may deem necessary to effectuate the provisions of this Code section."

**SECTION 7.**

Said title is further amended by revising Code Section 3-5-36, relating to brewpubs and the limited exception to the prohibition against ownership and employment interests between manufacture, distribution, and sale of malt beverages, as follows:

"3-5-36.

A limited exception to the provisions of Code Sections 3-5-29 through 3-5-32 providing a three-tier system for the distribution and sale of malt beverages shall exist for owners and operators of brewpubs, subject to the following terms and conditions:

(1) No individual shall be permitted to own or operate a brewpub without first obtaining a proper license from the commissioner in the manner provided in this title, and each brewpub ~~licenseholder~~ licensee shall comply with all other applicable state and local license requirements;

(2) A brewpub license authorizes the holder of such license to:

(A) Manufacture on the licensed premises not more than 10,000 barrels of ~~beer~~ malt beverages in a calendar year solely for retail sale ~~on the premises~~;

(B) Operate an eating establishment that shall be the sole retail outlet for such ~~beer~~ malt beverages; ~~and~~

(C) Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler ~~for consumption on the premises only~~; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and

~~(C)(D)~~ (D) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such ~~beer~~ malt beverages to licensed wholesale dealers ~~for distribution to retailers and retail consumption dealers~~; Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale;

(3) Possession of a brewpub license shall not prevent the holder of such license from obtaining a retail consumption dealer's license or a retailer's license for the same premises;

(4) A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises;

~~(5) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises of a brewpub;~~

~~(6)~~ (5) The commissioner shall not issue a brewpub license if the ~~brewpub~~ premises are to be licensed is located in a county or municipality in which the sale of alcoholic beverages is prohibited; and

~~(7)~~ (6) A brewpub licensee shall:

- (A) Pay all state and local license fees and excise taxes applicable to individuals licensed by this state as manufacturers, retailers, and, where applicable, wholesalers under this title;
- (B) At the request of the commissioner, provide an irrevocable letter of credit or ~~an Irrevocable Standby Financial Guarantee Bond~~ bond in favor of the State of Georgia in an amount sufficient to guarantee such brewpub licensee's estimated tax liability for the first year of operation; and
- (C) Measure ~~beer~~ malt beverages manufactured on the premises and otherwise comply with applicable rules and regulations respecting excise and enforcement tax determination of such ~~beer~~ malt beverages as required by this title."

### SECTION 8.

Said title is further amended by revising Code Section 3-5-38, relating to free tasting of malt beverages on brewery premises during educational and promotional tours, as follows:

"3-5-38.

~~The commissioner shall, upon proper application therefor, issue an annual permit to any brewer licensed in this state authorizing such brewer to conduct educational and promotional brewery tours which may include free tasting on the premises by members of the public of tax paid varieties of malt beverages brewed by such brewer.~~

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

- (1) 'Brewery tour' means guided access to the manufacturing portion of the licensed premises of a brewer.
- (2) 'Free souvenir' means a complimentary sealed container or containers of malt beverages with a total liquid capacity that does not exceed 72 ounces.
- (3) 'Free tastings' means the provision of complimentary samples of malt beverages to the public for consumption on the premises of a brewer.
- (4) 'Sample' means a quantity of malt beverages manufactured by the brewer.

(b)(1) A brewer licensed in this state may apply to the commissioner for an annual permit authorizing such brewer to conduct educational and promotional brewery tours on the licensed premises of the brewer, free of charge or for a fee, which may include:

(A) Free souvenirs;

(B) Free food; and

(C) Free tastings on the licensed premises of the brewery of malt beverages manufactured by such brewer.

(2) No brewer providing free souvenirs pursuant to this subsection shall provide, directly or indirectly, more than one free souvenir to the same individual in one calendar day. Each free souvenir shall consist of malt beverages manufactured by the brewer on the licensed premises.

(3) No brewer conducting free tastings pursuant to this subsection shall provide, directly or indirectly, to the same individual in one calendar day more than 36 ounces of malt beverages for consumption on the premises. Free tastings shall be held in a

designated tasting area on the licensed premises of the brewer and all open bottles containing malt beverages shall be visible at all times.

(4) Free souvenirs shall only be provided after the brewery tour and only to individuals who have attended a brewery tour on the same calendar day. Free tastings and free food may be provided before, during, and after a brewery tour. An individual shall be 21 years of age or older to receive a free souvenir or free tasting.

(5) The brewer shall pay all excise and use taxes on any samples and all use taxes on any free souvenirs provided pursuant to this subsection.

(c) A brewer may provide to the public free of charge or for a fee merchandise such as shirts, glasses, and other promotional items which do not contain alcoholic beverages.

(d) If a brewer chooses to charge a fee for a brewery tour pursuant to subsection (b) of this Code section, such brewer may charge varying fees for the brewery tours, provided that such fees are charged prior to the beginning of such tour. The provision of malt beverages by a brewer as part of a brewery tour pursuant to this Code section shall not be deemed a retail sale of alcoholic beverages.

(e) No alcoholic beverages shall be sold on any licensed premises for which a permit has been issued pursuant to this Code section.

(f) The department shall promulgate and enforce such rules and regulations as it may deem necessary to effectuate the provisions of this Code section."

## SECTION 9.

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

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

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

Y Abrams	N Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E Allison	N Corbett	Y Harrell	Morris	N Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	E Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	N Nix	Y Spencer
Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
N Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
N Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	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

Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	N England	E Jones, S	Y Raffensperger	E Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	E 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	Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	N LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Cheokas	Y Glanton	Y Marin	Rynders	E 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	Yates
E Cooke	Y Hamilton	N McClain	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 142, nays 9.

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

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

Mr. Speaker:

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

HB 342. By Representatives Kelley of the 16th, Willard of the 51st, Ramsey of the 72nd, Benton of the 31st, Fleming of the 121st and others:

A BILL to be entitled an Act to amend Code Section 31-7-3.2 of the Official Code of Georgia Annotated, relating to the notice of cited deficiencies and imposition of sanctions for nursing homes or intermediate care homes, so as to provide that a violation of certain regulations shall not constitute negligence per se; to provide for limitations on advertisements that use or reference the results of federal or state surveys or inspections of nursing homes; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 237. By Representatives Williamson of the 115th, Dudgeon of the 25th, Hamilton of the 24th, Martin of the 49th, Ramsey of the 72nd and others:

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, and computation of and exemptions from state income tax, so as to extend the angel investor tax credit; to repeal conflicting laws; and for other purposes.

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.

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

SB 134. By Senators Stone of the 23rd, Beach of the 21st, Jones II of the 22nd, Thompson of the 5th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices when fines are less than a certain percent of the agencies' operating budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, relating to local government budgets and audits, so as to require reports of local government revenues submitted to the Department of Community Affairs identify the total amount of speeding fine revenue collected by the local government; to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices when fines are less than a certain

percent of the agencies' operating budgets; to provide for the calculation of such budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, relating to local government budgets and audits, is amended in Code Section 36-81-8, relating to annual local government finances and indebtedness reports to the Department of Community Affairs, by revising subparagraph (b)(1)(A) as follows:

"(b)(1)(A) Each unit of local government shall submit an annual report of local government finances to the Department of Community Affairs. The report shall include the revenues, expenditures, assets, and debts of all funds and agencies of the local government, and other such information as may be reasonably requested by the department. Such annual report shall further identify the total amount of speeding fine revenue collected by the local government."

**SECTION 2.**

Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, is amended in Code Section 40-14-11, relating to the ratio of speeding fines to a law enforcement agency's budget, by revising subsection (d) as follows:

"(d) There shall be a rebuttable presumption that a law enforcement agency is employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety if the fines levied based on the use of speed detection devices for speeding offenses are equal to or greater than ~~40~~ 35 percent of ~~that a~~ a municipal or county law enforcement agency's budget. For purposes of this Code section, fines collected for citations issued for violations of Code Section 40-6-180 shall be included when calculating total speeding fine revenue for the agency; provided, however, that fines for speeding violations exceeding ~~47~~ 20 miles per hour over the established speed limit shall not be considered when calculating total speeding fine revenue for the agency."

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

On the passage of the Bill, by substitute, the ayes were 91, nays 58.

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

Representative Houston of the 170th moved that the House reconsider its action in giving the requisite constitutional majority to SB 134.

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

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

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

On the motion, the ayes were 76, nays 75.

The motion prevailed.

The following Bill of the Senate, having previously been read, was again taken up for consideration:

SB 134. By Senators Stone of the 23rd, Beach of the 21st, Jones II of the 22nd, Thompson of the 5th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices when fines are less than a certain percent of the agencies' operating budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Committee substitute was previously read and adopted.

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

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

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

On the passage of the Bill, by substitute, the ayes were 104, nays 54.

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

HR 744. By Representative Tanner of the 9th:

A RESOLUTION creating the House Study Committee on the Use of Drones; and for other purposes.

The following Committee substitute was read and adopted:

#### A RESOLUTION

Creating the House Study Committee on the Use of Drones; and for other purposes.

WHEREAS, Georgia has experienced a dramatic increase in the use of drones in the past few years; and

WHEREAS, the exciting new technology offers many excellent opportunities for citizens, businesses, government, and law enforcement, but at the same time, it presents many complex challenges concerning privacy, security, and individual rights; and

WHEREAS, the areas of concern include the use of law enforcement agencies in obtaining evidence in criminal matters as well as in emergency conditions; the use of drones by state and local governing authorities and agencies; flying drones over private property and over the property with or without permission; the use of drones to photograph citizens in their private lives; and flying drones over public property.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

- (1) **Creation of House study committee.** There is created the House Study Committee on the Use of Drones.
- (2) **Members and officers.** The committee shall be composed of five members of the House of Representatives, at least one of whom shall be from the minority party, to be appointed by the Speaker of the House of Representatives. The Speaker of the House of Representatives shall designate a member of the committee as chairperson of the committee.
- (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate.
- (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution.
- (5) **Allowances and funding.**
  - (A) The legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

(B) The allowances authorized by this resolution shall not be received by any member of the committee for more than five days unless additional days are authorized. Funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the House of Representatives.

**(6) Report.**

(A) In the event the committee adopts any specific findings or recommendations that include suggestions for proposed legislation, the chairperson shall file a report of the same prior to the date of abolishment specified in this resolution, subject to subparagraph (C) of this paragraph.

(B) In the event the committee adopts a report that does not include suggestions for proposed legislation, the chairperson shall file the report, subject to subparagraph (C) of this paragraph.

(C) No report shall be filed unless the same has been approved prior to the date of abolishment specified in this resolution by majority vote of a quorum of the committee. A report so approved shall be signed by the chairperson of the committee and filed with the Clerk of the House of Representatives.

(D) In the absence of an approved report, the chairperson may file with the Clerk of the House of Representatives a copy of the minutes of the meetings of the committee in lieu thereof.

**(7) Abolishment.** The committee shall stand abolished on December 1, 2015.

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

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

Y Abrams	E Coomer	Y Harbin	Y Meadows	Smith, E
Y Alexander	Cooper	Y Harden	Y Mitchell	E Smith, L
E 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	E Nimmer	Y Smyre
Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E 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	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Y Bryant	Y Epps	Jordan	Y Rakestraw	Y Trammell

Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccica	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Rynders	E 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	Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 149, nays 1.

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

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

Mr. Speaker:

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

HB 202. By Representatives Battles of the 15th, Williamson of the 115th, Harrell of the 106th, Jasperse of the 11th, Taylor of the 79th and others:

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

HB 439. By Representatives Shaw of the 176th, Abrams of the 89th, England of the 116th, Hatchett of the 150th, Knight of the 130th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to establish qualified low-income community investment; to provide for a short title; to provide for definitions; to provide that certain entities may earn credit against state premium tax liability; to provide for

certification of qualified equity investments; to provide for recapture of credit claimed under certain circumstances; to provide for certain refundable fees; to provide for a retaliatory tax; to provide for decertification; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 457. By Representatives Hawkins of the 27th, Rogers of the 29th, Clark of the 98th, Dunahoo of the 30th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, so as to provide that watercraft held in inventory shall be exempt from ad valorem taxation; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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 79. By Senator Unterman of the 45th:

A BILL to be entitled an Act to amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim compensation, so as to expand the Criminal Justice Coordinating Council's powers and duties relative to claims for victim compensation; to increase the amount payable for funeral expenses; to enlarge the pool of claimants to include individuals related by marriage; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	E Coomer	Y Harbin	Y Meadows	Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E 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	E 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
Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Houston	Y Parsons	N Stover
Bennett	Y Drenner	E Howard	Y Peake	Y Strickland

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

On the passage of the Bill, the ayes were 133, nays 17.

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

Representative Weldon of the 3rd moved that the following Bill of the Senate be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

SB 64. By Senators Hufstetler of the 52nd and Jones of the 10th:

A BILL to be entitled an Act to amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the O.C.G.A., relating to definitions for the Juvenile Code, domestic relations, and vital records, respectively, so as to repeal voluntary acknowledgments of legitimation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

By unanimous consent, the following Bill of the House, having been previously postponed, was again postponed until the next legislative day:

HR 620. By Representative Drenner of the 85th:

A RESOLUTION urging local boards of education in Georgia to provide educational awareness regarding renewable energy; and for other purposes.

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

HB 669. By Representatives Stephens of the 164th, Bryant of the 162nd, Petrea of the 166th, Stephens of the 165th, Gordon of the 163rd and others:

A BILL to be entitled an Act to amend an Act providing for the compensation of certain officials in Chatham County, approved March 26, 1986 (Ga. L. 1986, p. 4797), as amended, particularly by an Act approved May 29, 2007 (Ga. L. 2007, p. 4351), so as to provide for the compensation of certain Chatham County officials; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend an Act providing for the compensation of certain officials in Chatham County, approved March 26, 1986 (Ga. L. 1986, p. 4797), as amended, particularly by an Act approved May 29, 2007 (Ga. L. 2007, p. 4351), so as to provide for the compensation of certain Chatham County officials; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act providing for the compensation of certain officials in Chatham County, approved March 26, 1986 (Ga. L. 1986, p. 4797), as amended, particularly by an Act approved May 29, 2007 (Ga. L. 2007, p. 4351), is amended in Section 1 by revising subsection (b) as follows:

"(b) The officers subject to the provisions of this Act shall receive the following compensation:

(1)(A) The judge of the probate court shall receive an annual salary equal to the sum of 80 percent of the annual salary of a judge of the superior court provided in Code Section 45-7-4 of the O.C.G.A., plus 80 percent of the annual amount of any supplement paid by the governing authority of Chatham County to a judge of the superior court, excluding any longevity pay to a judge of the superior court pursuant to Ga. L. 1997, p. 4108.

(B) For each four-year term following the initial term of office, the judge of the probate court shall be entitled to an increase in his or her annual salary in the amount of \$800.00, provided that such longevity increase and any cost of living adjustment shall be automatically reduced to reflect an increase provided in general law. This subparagraph shall apply to terms beginning on or after January 1, 2016.

(2)(A) The chief judge of the state court shall receive an annual salary equal to the sum of 95 percent of the annual salary of a judge of the superior court as provided in Code Section 45-7-4 of the O.C.G.A., plus 95 percent of the annual amount of any supplement paid by the governing authority of Chatham County to a judge of the superior court, excluding any longevity pay to a judge of the superior court pursuant to Ga. L. 1997, p. 4108. In addition, the governing authority of Chatham County shall pay to the chief judge of the state court an additional salary supplement as additional compensation for performing the duties incumbent upon a chief judge of not less than 95 percent of the salary supplement paid to the chief judge of the Eastern Judicial Circuit.

(B) For each four-year term following the initial term of office, the chief judge of the state court shall be entitled to an increase in his or her annual salary in the amount of \$950.00, provided that such longevity increase and any cost of living adjustment shall be automatically reduced to reflect an increase provided in general law. This subparagraph shall apply to terms beginning on or after January 1, 2016.

(3)(A) The judges of the state court shall receive an annual salary equal to the sum of 95 percent of the annual salary of a judge of the superior court as provided in Code Section 45-7-4 of the O.C.G.A., plus 95 percent of the annual amount of any supplement paid by the governing authority of Chatham County to a judge of the superior court, excluding any longevity pay to a judge of the superior court pursuant to Ga. L. 1997, p. 4108.

(B) For each four-year term following the initial term of office, each judge of the state court shall be entitled to an increase in his or her annual salary in the amount of \$950.00, provided that such longevity increase and any cost of living adjustment shall be automatically reduced to reflect an increase provided in general law. This subparagraph shall apply to terms beginning on or after January 1, 2016.

(4)(A) The chief magistrate shall receive an annual salary equal to the sum of 85 percent of the annual salary of a judge of the superior court as provided in Code Section 45-7-4 of the O.C.G.A., plus 85 percent of the annual amount of any supplement paid by the governing authority of Chatham County to a judge of the superior court, excluding any longevity pay to a judge of the superior court pursuant to Ga. L. 1997, p. 4108. In addition, the governing authority of Chatham County shall pay to the chief magistrate of the magistrate court an additional salary supplement as additional compensation for performing the duties incumbent upon a chief judge of not less than 80 percent of the salary supplement paid to the Chief Judge of the Eastern Judicial Circuit.

(B) For each four-year term following the initial term of office, the chief magistrate shall be entitled to an increase in his or her annual salary in the amount of \$850.00,

provided that such longevity increase and any cost of living adjustment shall be automatically reduced to reflect an increase provided in general law. This subparagraph shall apply to terms served after January 1, 2016.

(5)(A) Each full-time magistrate shall receive an annual salary equal to the sum of 85 percent of the annual salary of a judge of the superior court as provided in Code Section 45-7-4 of the O.C.G.A., plus 85 percent of the annual amount of any supplement paid by the governing authority of Chatham County to a judge of the superior court, excluding any longevity pay to a judge of the superior court pursuant to Ga. L. 1997, p. 4108.

(B) For each four-year term following the initial term of office, each full-time magistrate shall be entitled to an increase in his or her annual salary in the amount of \$850.00, provided that such longevity increase and any cost of living adjustment shall be automatically reduced to reflect an increase provided in general law. This subparagraph shall apply to terms served after January 1, 2016.

(6) The presiding judge of the juvenile court and the judges of the juvenile court shall be compensated as provided in Code Section 15-11-52 of the O.C.G.A.

(b) The annual compensation provided in subsection (a) of this Act shall be paid in equal monthly installments. No provision of this Act shall be applied so as to reduce the compensation of any officer during a term of office."

## 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	E Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Deffenbaugh	Y Hawkins	E 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	O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E 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 Efrstration	Y Jones, J.B.	Y Pruett	Y Teasley

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

On the passage of the Bill, by substitute, the ayes were 149, nays 0.

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

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

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 Senate substitute was read:

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 funding of water supply reservoirs; 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~~ associate dean for extension of the College of Agricultural and Environmental Sciences of the University of Georgia;
- (2) The commissioner of natural resources;
- (3) ~~The director of experiment stations~~ associate dean of research 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~~ U.S. Natural Resources Conservation Service;
  - (11) The dean and director of the College of Agricultural and Environmental Sciences of the University of Georgia;
  - (12) The ~~state supervisor~~ state program manager 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~~ one representative of the highway contracting industry certified by the Department of Transportation, one representative of the electric utility industry, 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.

Representative Knight of the 130th moved that the House agree to the Senate substitute to HB 397.

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

Y Abrams	E Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E 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	E Nimmer	Y Smyre
Y Ballinger	Y Dempsey	N 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
Bell	Y Dollar	E Holmes	Y Parrish	N Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	N Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	N 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
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
Bryant	Y Epps	E Jordan	Y Rakestraw	N Trammell
N 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	Rhodes	Y Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Weldon
Y Carson	N Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E Williams, A
Y Clark, D	E Golick	E Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	N Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the motion, the ayes were 140, nays 10.

The motion prevailed.

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 Senate substitute was read:

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 a roadway located in a subdivision with a duly formed property owner's association, the notice for that roadway 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.

Representative Jones of the 47th moved that the House agree to the Senate substitute to HB 477.

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

Y Abrams	E Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E 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	E 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	Y Stephenson
Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E 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.	Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
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	Watson
Y Caldwell, M	Y Fludd	Y Kidd	Rhodes	Y Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E Williams, A
Y Clark, D	E Golick	E 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  
E Cooke

Greene  
Y Hamilton

Y McCall  
Y McClain

Y Shaw  
E Sims

Y Yates  
Ralston, Speaker

On the motion, the ayes were 147, nays 0.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To incorporate the City of Tucker in DeKalb County; to provide for a charter for the City of Tucker; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for codes; to provide for a charter commission; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for boards, commissions, courts, and authorities; to provide for a city manager, a city attorney, a city clerk, a tax collector, a city accountant, and other personnel; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for ethics and disclosures; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for homestead exemptions; to provide for bonds for officials; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from DeKalb County to the City of Tucker; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I  
CREATION, INCORPORATION, AND POWERS

**SECTION 1.01.**

## Incorporation.

This Act shall constitute the charter of the City of Tucker, Georgia. The City of Tucker, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted and declared a body politic and corporate under the same name and style of the "City of Tucker" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal for all other purposes as authorized by the laws of the State of Georgia and the Constitution of the State of Georgia.

**SECTION 1.02.**

## Corporate boundaries.

The boundaries of the City of Tucker shall be those set forth and described in Appendix A of this charter, and such Appendix A is incorporated into and made a part of this charter. The city clerk shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

**SECTION 1.03.**

## Powers and construction.

(a) Except as provided in subsection (b) of this section, the city shall have the following powers:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades to the extent permitted by general law;

(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and

method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation.

(A) To condemn property inside the corporate limits of the city for present or future use and for any public purpose deemed necessary by the city council, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; and

(B) To condemn and cause to be remediated or removed any building, structure, or existing condition within its corporate limits that is dangerous to life, limb, or property, by reasons of decay, dilapidation, or unsanitary condition. Nothing in this subparagraph shall be construed to relieve the city of any duty to give owners or interested persons reasonable notice and opportunity to remedy the situation. Nothing in this subparagraph shall be construed as relieving the city of liability to any owner or interested person for damages to person or property taken or destroyed in furtherance of this subparagraph. This subparagraph shall not be construed as authorizing the doing of any act or thing contrary to the Constitution of this state and the policy of the general laws of this state. The city shall have authority to adopt reasonable ordinances and resolutions for the purpose of carrying out this subparagraph;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, control erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment;

(9) Ethics. To adopt ethics ordinances and regulations governing such things as, but not limited to, the conduct of municipal elected officials, appointed officials, contractors, vendors, and employees; establishing procedures for ethics complaints; and setting forth penalties for violations of such rules and procedures;

(10) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to

enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges, taxes, or fees;

(12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;

(14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and maintaining current homestead exemptions of residents of the city as authorized by Act of the General Assembly;

(16) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by Georgia law; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(17) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(18) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices not specified in this charter, commissions, authorities, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(19) Municipal courts. To create a municipal court with a judge or judge and associate judges as may be necessary and to authorize the creation of a municipal court clerk's office or make said clerk's duties a part of the duties of the city clerk as designated by the city council;

(20) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(21) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(22) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public and to prescribe penalties and punishment for violations thereof;

(23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks,

sewers and drains, sewage disposal, storm-water management, gas works, electricity generating plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

(24) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(26) Planning and zoning. To provide comprehensive city planning for city land use, signage, and outside advertising, and development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(27) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(28) Public hazards: removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(29) Public improvements. To provide for the acquisition, construction, building, operation, maintenance, or abolition of public ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements, inside the corporate limits of the city and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

(30) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(31) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(32) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(33) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(34) Retirement and employee benefits. To provide and maintain a retirement plan, insurance, and such other employee benefits for appointed officers and employees of the city, as are determined by the city council;

(35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(37) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;

(38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation to a maximum of 1 mill without a referendum;

(39) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;

(40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; to inspect such vehicles and mandate standards of safety and cleanliness; and to regulate the parking of such vehicles;

(41) Tourism, conventions, and trade shows. To provide for the structure, operation, and management of the Tucker Convention and Visitors Bureau created pursuant to Section 1.05 of this charter and to authorize the City of Tucker to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;

(42) Urban redevelopment. To organize and operate an urban redevelopment program; and

(43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held

to be exclusive of others or restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

(b) Except as provided in subsection (c) of this section, the city shall exercise the powers enumerated in subsection (a) of this section only for the purposes of planning and zoning, code adoption and enforcement, and parks and recreation services and those items directly related to the provision of such services and for the general administration of the city in providing such services.

(c) In the event that the city desires to provide services in addition to those services enumerated in subsection (b) of this section, the city council shall pass a resolution specifically stating the services sought to be offered by the city and shall submit such resolution for ratification by the electors of the city in a referendum. If the electors of the city vote in favor of ratifying such resolution, then the city shall be authorized to exercise the powers enumerated in subsection (a) of this section for the purpose of providing such services stated in such resolution and those items directly related to the provision of such services and for the general administration of the city in providing such services. If the electors of the city disapprove such resolution, such resolution shall immediately be null and void and of no force and effect.

#### **SECTION 1.04.**

##### Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

#### **SECTION 1.05.**

##### Tourism, conventions, and trade shows.

The Tucker Convention and Visitors Bureau is hereby authorized to be created by an ordinance of the city council. When created, the bureau shall consist of a board of seven members appointed by the city council. The bureau shall report to the city manager on a regular basis and shall send an annual report to the city council in January of each year.

### **ARTICLE II**

#### **GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH**

#### **SECTION 2.01.**

##### City council creation; number; election.

(a) The legislative authority of the government of the City of Tucker, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member.

(b)(1) The city council of the City of Tucker shall consist of six members, plus the mayor.

(2) There shall be three council districts, designated as Council Districts 1 through 3, as described in Appendix B of this charter, which is attached to and made a part of this charter of the City of Tucker.

(3) Two councilmembers shall be elected from each of the three council districts and shall hold Council District 1, Post 1; Council District 1, Post 2; Council District 2, Post 1; Council District 2, Post 2; Council District 3, Post 1; and Council District 3, Post 2, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council post obtains a majority vote of the qualified electors of the council district voting in the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post shall be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district which he or she seeks to represent.

(c) With the exception of the initial terms set forth in subsection (d) of this section, councilmembers shall be elected to terms of four years and until their respective successors are elected and qualified on a staggered basis in alternate election cycles such that every two years three councilmembers are up for election.

(d) In order to assure staggered elections of the councilmembers, in the first election of the city council, the terms for the candidates elected for Council District 1, Post 1; Council District 2, Post 1; and Council District 3, Post 1 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2017, as provided in subsection (b) of Section 2.02 of this charter. The terms for the candidates elected for Council District 1, Post 2; Council District 2, Post 2; and Council District 3, Post 2 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2019, as provided in subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each councilmember shall be elected at the November election immediately preceding the end of such councilmember's term of office, and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

(e) With the exception of the initial term of office, the mayor of the City of Tucker, with the powers and duties specified in this charter, shall be elected to a term of four years and until his or her successor is elected and qualified. The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city. In the event that no candidate for mayor obtains a majority vote of the qualified electors of the city at large voting at the elections of the city, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election shall be included in the run-off election, and the candidate receiving the highest number of

votes in the runoff of the qualified electors of the city at large voting in such runoff shall be elected. The term of the first elected mayor shall expire upon the administration of the oath of office to his or her successor elected in the regular election held in November, 2017, as provided in subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each mayor shall be elected at the November election immediately preceding the end of such mayor's term of office and the term of each mayor shall expire upon the administration of the oath of office to his or her successor.

### **SECTION 2.02.**

Mayor and councilmembers; terms and qualifications for office.

(a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their respective successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Tucker for a continuous period of at least 12 months immediately prior to the date of election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Tucker. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person continues to reside in such district during that person's period of service.

(b) An election shall be held on the date of and in conjunction with the 2016 presidential preference primary to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01. Thereafter, the time for holding regular municipal elections shall be on the Tuesday after the first Monday in November of each odd-numbered year beginning in 2017.

(c) The number of successive terms an individual may hold a position as a councilmember shall be limited to two terms.

(d) The number of successive terms an individual may hold the position of mayor shall be limited to three terms.

### **SECTION 2.03.**

Vacancy; filling of vacancies; suspensions.

(a) Elected officials of the city shall not hold other elective or public offices. The elective offices of the city's government shall become vacant upon the incumbent's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:

(1) Failing to reside in the city or the district from which such person was elected;

(2) Being convicted of, or pleading guilty or nolo contendere to, a felony or any misdemeanor involving theft or deception; or

(3) Failing to attend one-third of the regular meetings of the council in a three-month period without being excused by the council.

(b) The office of mayor shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor.

(c) The office of a councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall appoint a successor for the remainder of the term, subject to the approval of the city council or those members remaining. This provision shall also apply to a temporary vacancy created by the suspension from office of a councilmember.

#### **SECTION 2.04.**

Nonpartisan elections.

Political parties shall not conduct primaries for city offices, and all names of candidates for city offices shall be listed without party designation.

#### **SECTION 2.05.**

Election votes.

The candidate for mayor who receives the majority vote of the qualified electors of the city at large voting in the elections of the city and the candidates for the city council who receive the majority vote of the qualified electors of their respective districts voting in the elections of the city shall be elected to a term of office.

#### **SECTION 2.06.**

Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law. Except as otherwise provided by this charter, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including, but not limited to, the establishment of qualifying fees, to fulfill any options

and duties under Chapter 2 of Title 21 of the O.C.G.A, the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

**SECTION 2.07.**

Compensation and expenses.

The annual salary of the mayor shall be \$20,000.00, and the annual salary for each councilmember shall be \$14,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$5,000.00 and each councilmember shall be provided an annual expense allowance of \$3,000.00 for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city.

**SECTION 2.08.**

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

**SECTION 2.09.**

Meetings, oath of office, and mayor pro tempore.

(a) The city council shall meet on the seventh working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect, and the oath of office shall be administered to the newly elected mayor and councilmembers collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor, as the case may be] of the City of Tucker, and will, to the best of my ability, support and defend the Constitution of the United States, the Constitution of the State of Georgia, and the charter, ordinances, and regulations of the City of Tucker. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Tucker for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Tucker to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold a position as mayor pro tempore shall be unlimited.

(c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described in this charter and shall perform the mayor's duties in the same manner as the mayor pro tempore.

(d) The city council shall, at least once a month, hold regular meetings at such times and places as shall be prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(e) Special meetings of the city council may be held on call of either the mayor and one councilmember or three councilmembers. Notice of such special meetings shall be delivered to all councilmembers, the mayor, and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor, all councilmembers, and the city manager are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor, a councilmember, or the city manager in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the call may be transacted at the special meeting.

## **SECTION 2.10.**

### **Quorum; voting.**

(a) Four councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. The mayor shall be counted toward the making of a quorum. Voting on the adoption of ordinances shall be taken by voice vote, and the yeas and nays shall be recorded in the minutes, but on the request of any member, there shall be a roll call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure shall receive at least three affirmative votes and shall receive the affirmative votes of a majority of those voting. Notwithstanding any provision to the contrary, no ordinance shall be adopted if the ordinance receives a no vote from both councilmembers that have a residence requirement in any one of the three districts.

(b) Any voting member of the council may abstain from voting on an issue or may recuse himself or herself from voting only when a conflict of interest exists. Such conflict shall be disclosed to the city council and entered on the record. A vote to abstain

may be entered by any voting member as a protest under the councilmember's First Amendment rights and shall be reflected as such in the record of the vote. If any councilmember or the mayor is present and eligible to vote on a matter and refuses to do so for a reason he or she will not disclose, he or she shall be deemed to have voted with the majority of the votes of the other councilmembers on the issue involved, provided that if there is a tie in the vote of the voting councilmembers, then the mayor and each councilmember shall be required to vote unless he or she discloses a reason for not voting. The mayor shall have one vote on all matters brought before the council.

- (c) The following types of actions require an ordinance in order to have the force of law:
- (1) Adopt or amend an administrative code or establish, alter, or abolish a department, office not specified in this charter, or agency;
  - (2) Provide for a fine or other penalty;
  - (3) Levy taxes;
  - (4) Grant, renew, or extend a franchise;
  - (5) Regulate a rate for a public utility;
  - (6) Authorize the borrowing of money;
  - (7) Convey, lease, or encumber city land;
  - (8) Regulate land use and development;
  - (9) Amend or repeal an ordinance already adopted; and
  - (10) Propose and vote on a budget for the fiscal year and to authorize a budget plan for a term beyond the current fiscal year.
- (d) The city council shall establish by ordinance procedures for convening emergency meetings. In an emergency, an ordinance may be passed without notice or hearings if the city council passes the ordinance by a three-fourths' vote; provided, however, that the city council shall not in an emergency meeting:
- (1) Levy taxes;
  - (2) Grant, renew, or extend a franchise;
  - (3) Regulate a rate for a public utility; or
  - (4) Borrow money.

### **SECTION 2.11.**

#### **General power and authority of the city council.**

- (a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Tucker as provided in Article I of this charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Tucker and may enforce such ordinances by imposing penalties for violation thereof.

**SECTION 2.12.**

## Administrative and service departments.

(a) Except for the office of city manager and the positions provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established under this charter; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and city council.

**SECTION 2.13.**

## Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is in conflict with or which is within the scope of the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others, except as required by law;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he or she is engaged. As used in this paragraph, the term "valuable" means an amount determined by the city council; provided, however, that the amount shall not exceed \$150.00; or

- (5) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she or any member of his or her immediate family has a financial interest.
- (b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. As used in this subsection, the term "private financial interest" includes the interest of a spouse, child, or significant other or domestic partner. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest, such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- (c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.
- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.
- (e) Except as authorized by law, no member of the city council shall hold any other elective city office or be employed by any city or county government during the term for which elected.

#### **SECTION 2.14.**

##### **Boards, commissions, and authorities.**

- (a) All members of boards, commissions, and authorities of the city shall be nominated by the mayor subject to confirmation by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law. If the city council does not approve of two consecutive nominations by the mayor for the same position, any councilmember may nominate such member subject to confirmation by the city council.
- (b) No member of any board, commission, or authority of the city shall hold any elective office in the city. Councilmembers and the mayor, however, may serve as ex officio members of such boards, commissions, or authorities, without a vote.
- (c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by this charter or any applicable law of the State of

Georgia. (d) No member of a board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the city council and administered by the mayor or a judicial officer authorized by law to administer oaths.

(e) Any member of a board, commission, or authority may be removed from office by a vote of a majority of the councilmembers in accordance with state laws.

(f) Members of boards, commissions, and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

(g) Except as otherwise provided by this charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the designated officer of the city.

### **SECTION 2.15.**

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing, and the city council shall have the authority to approve, disapprove, or amend such ordinance or resolution. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings be not less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise are intended as mere catchwords to indicate the contents of the section and:

(1) Shall not be deemed or taken to be titles of such sections or as any part of the section; and

(2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.

Furthermore, the chapter, article, and section headings contained in this charter shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, or section of this charter.

(b) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent councilmembers. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

**SECTION 2.16.**

Submission of ordinances to the city clerk.

- (a) Every ordinance, resolution, and other action adopted by the city council shall be presented to the city clerk within 15 days of its adoption or approval. The city clerk shall record upon the ordinance the date of its delivery from the city council.
- (b) An ordinance or resolution that has been passed by the city council shall become effective on the date the ordinance is passed by the city council or on such other date as may be specified in the ordinance.

ARTICLE III  
EXECUTIVE BRANCH

**SECTION 3.01.**

Powers and duties of the mayor.

- (a) The mayor shall:
  - (1) Preside over all meetings of the city council;
  - (2) Set the agenda for meetings of the city council after receiving input from members of the city council, the city manager, and the public; provided, however, that an additional item shall be added to the agenda upon the written request of any member of the city council, and name of the mayor or councilmember placing an item on the agenda shall be noted on the agenda;
  - (3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local government bodies and officials;
  - (4) Sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
  - (5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council;
  - (6) Vote in all matters before the city council as provided in subsection (a) of Section 2.10 of this charter;
  - (7) Make all appointments of city officers as provided by this charter, subject to confirmation by the city council;
  - (8) Serve in a part-time capacity and be compensated accordingly;
  - (9) Approve all raises or increases in compensation of city staff with the consent of the city council; and
  - (10) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- (b) The mayor shall have the authority to certify that a supplemental appropriation is possible due to unexpected revenue increases but only with approval of the city council.
- (c) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this charter regardless of whether such powers are enumerated in this section.

**SECTION 3.02.**

City manager; appointment and qualification.

The mayor shall nominate a person for the office of city manager, and the approval of the city council shall be required to make the appointment official. If the first proposed city manager is rejected by the city council, the mayor shall make a second appointment selection. If the city council rejects that second appointment selection, the city council shall offer a candidate for city manager and, by a majority vote, send the appointee to the mayor for approval. If the mayor vetoes or does not approve, a second vote of a two-thirds' majority of the council shall be needed to approve the appointee for the position. The city council may offer as many candidates as needed until the required approval is achieved. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management.

**SECTION 3.03.**

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the city. The city manager shall devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which such officer has jurisdiction.

**SECTION 3.04.**

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty, to:

- (1) See that all laws and ordinances are enforced;
- (2) Propose a budget for city operations from a zero base with input from the actual expenditures of the city from the prior year;
- (3) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who, by this charter, are appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;
- (4) Remove employees appointed and employed under paragraph (3) of this section, without the consent of the city council and without assigning any reason therefor;
- (5) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the city council except as otherwise provided in this charter or specified by the city council;
- (6) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chairperson; provided, however, that regardless of the decision of the meeting chairperson, the city manager may take part

in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;

(7) Recommend to the city council for adoption such measures as the city manager may deem necessary or expedient;

(8) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(9) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council; (10) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;

(11) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

(12) Keep the city council at all times fully advised as to the financial condition and needs of the city;

(13) Make a full written report to the city council on the fifteenth of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the city clerk;

(14) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan;

(15) Shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit, but only with the approval of the city council; and

(16) Perform such other duties as may be prescribed by this charter or required by ordinance or resolution of the city council.

### **SECTION 3.05.**

City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the city manager solely through the city manager or a designated agent, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

### **SECTION 3.06.**

#### City manager; removal.

(a) The mayor and city council may remove the city manager from office for any reason in accordance with the following procedures:

(1) The city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution removing the city manager and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;

(2) Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing. This hearing shall be held at a city council meeting not earlier than 15 days nor later than 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and

(3) The city council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four of its members at any time after five days from the date when a copy of preliminary resolution was delivered to the city manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.

(b) The city manager shall continue to receive his or her salary until the effective date of a final resolution of his or her removal. The action of the city council in suspending or removing the city manager shall not be subject to review by any court or agency.

(c) If the city manager is suspended in accordance with subsection (a) of this section or becomes disabled and is unable to carry out the duties of the office or if the city manager dies, the acting city manager shall perform the duties of the city manager until the city manager's disability is removed or until the city manager is replaced. Removal of the city manager because of disability shall be carried out in accordance with the provisions of subsection (a) of this section.

### **SECTION 3.07.**

#### Acting city manager.

(a) The mayor with the approval of the city council may appoint any person to exercise all powers, duties, and functions of the city manager during the city manager's suspension under subsection (a) of Section 3.06 of this charter, temporary absence from the city, or during the city manager's disability.

(b) In the event of a vacancy in the office of city manager, the mayor may designate with the approval of the city council a person as acting city manager, who shall exercise all powers, duties, and functions of the city manager until a city manager is appointed.

### **SECTION 3.08.**

City attorney.

The city council shall appoint the city attorney or attorneys, together with such assistant city attorneys as may be deemed appropriate, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. The city attorney or attorneys shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court if the city elects to create a municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. Except as provided in this charter, the city attorney or attorneys shall review and sign all contracts and documents that bind the city but shall not have the power to bind the city. In a conflict between the mayor and the city council, the city attorney shall engage a separate outside firm to represent the interests of the city council and mayor, respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall not represent the interest of the city council or the mayor against the other. Unless the litigation allegations specify individual wrongdoing by an individual member of the city council or the mayor, the outside firm shall be able to represent the entity rather than the individual and separate attorneys for the individuals of the city council shall not be necessary.

### **SECTION 3.09.**

City clerk.

The city council shall appoint a city clerk to keep a journal of the proceedings of the city council; to maintain in a safe place all records and documents pertaining to the affairs of the city; and to perform such duties as may be required by law or ordinance or as the mayor or city manager may direct.

### **SECTION 3.10.**

Tax collector.

The mayor may appoint a tax collector, subject to confirmation by the city council, to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

**SECTION 3.11.**

City accountant.

The city council shall appoint a city accountant to perform the duties of an accountant.

**SECTION 3.12.**

City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with: (1) the provisions of this charter; (2) the applicable city budget; and (3) applicable ordinances, resolutions, or other actions duly adopted or approved under the provisions of this charter.

**SECTION 3.13.**

Consolidation of functions.

The city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or any other positions, or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

**SECTION 3.14.**

Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the City of Tucker and any of its agencies and offices. When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

**ARTICLE IV  
MUNICIPAL COURT****SECTION 4.01.**

Creation.

The city council may establish by ordinance a court to be known as the Municipal Court of the City of Tucker which shall have jurisdiction and authority to try offenses against the laws and ordinances of such city and to punish for a violation of such laws or ordinances. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before such court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Such court shall be presided over by a judge of such court pursuant to Chapters 32 through 45 and 60 through 76 of Title 36 of the O.C.G.A. The provisions of this article shall apply only upon the creation of the municipal court.

#### **SECTION 4.02.**

##### **Judges.**

(a) There shall be at least one judge of the municipal court and that judge shall be designated as the chief judge with the authority to direct the court calendar, recommend associate judges to the city council, sit in presiding matters, discipline the city solicitors, and enforce all the powers of a judicial officer pursuant to Chapter 1 of Title 15 of the O.C.G.A.

(b) No person shall be qualified or eligible to serve as a judge unless he or she shall have attained the age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of seven years. The judge or judges shall be nominated by the mayor subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.

(c) Before entering on duties of his or her office, a judge shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.

(d) A judge shall serve for a term of four years but may be removed from the position by a two-thirds' vote of the entire membership of the city council or shall be removed upon action by the State Judicial Qualifications Commission for:

- (1) Willful misconduct in office;
- (2) Willful and persistent failure to perform duties;
- (3) Habitual intemperance;
- (4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
- (5) Disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character.

**SECTION 4.03.**

## Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

**SECTION 4.04.**

## Jurisdiction; powers.

- (a) The municipal court shall try and punish for crimes against the City of Tucker and for violations of its ordinances. The municipal court may fix punishment for offenses within its jurisdiction to the fullest extent allowed by state law.
- (b) The municipal court shall have authority to recommend to the city council for approval a schedule of fees to defray the cost of operation.
- (c) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such 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 sureties with a rule nisi at least two 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 Tucker, or the property so deposited shall have a lien against it for the value forfeited.
- (d) 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.
- (e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of such court.
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena, and warrants which may be served as executed by any officer as authorized by this charter or by state law.
- (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Tucker granted by state laws generally to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

**SECTION 4.05.**

## Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained

under the sanction of a judge of the Superior Court of DeKalb County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

**SECTION 4.06.**

Rules for court.

With the approval of the city council, the judge or judges shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

ARTICLE V  
FINANCE AND FISCAL

**SECTION 5.01.**

Fiscal year.

The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

**SECTION 5.02.**

Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

**SECTION 5.03.**

Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but not later than the first day of the ninth month of the fiscal year currently ending, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, the capital budget, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

(b) Prior to passage of the budget, the city council shall hold a special public hearing at which the budget shall be presented and public comment on the budget shall be solicited.

The date, time, and place of the special public hearing shall be announced no less than 30 days prior to the scheduled date for such hearing.

(c) All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made. When a supplemental appropriation is certified by the city manager to exist, these appropriations may be spent during the current fiscal year following passage of a supplemental appropriation ordinance.

#### **SECTION 5.04.**

Action by city council on budget.

(a) The city council may amend the operating budget or capital budget proposed by the city manager in accordance with subsection (a) of Section 5.03 of this charter, except that the budget, as finally amended and adopted, shall provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues constituting the fund availability of such fund.

(b) The city council shall adopt a budget on or before the first day of the eleventh month of the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed deadline, the operating budget and capital budget proposed by the mayor and city manager shall be adopted without further action by the city council.

#### **SECTION 5.05.**

Procurement and property management.

No contract with the city shall be binding on the city unless it is in writing. The city council may adopt procedures for the authorization of certain contracts without the city attorney's signature or city council approval. Absent the foregoing, no contract with the city shall be binding on the city unless:

- (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.

#### **SECTION 5.06.**

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

#### **SECTION 5.07.**

External audits.

- (a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.
- (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.
- (c) The city council shall appoint the external auditor.

### **SECTION 5.08.**

#### Homestead exemption; freeze.

- (a) As used in this section, the term:
  - (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Tucker, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
  - (2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.
  - (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.
- (b) Each resident of the City of Tucker is granted an exemption on that person's homestead from City of Tucker ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or removed from the homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Tucker, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Tucker, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Tucker, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be

necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Tucker, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

### **SECTION 5.09.**

#### **Homestead exemption; senior citizens; disabled.**

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

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Tucker, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and such individual's spouse under the federal Social Security Act. Income from such sources in excess of such maximum amount shall be included as income for the purposes of this charter.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Tucker who is disabled or is a senior citizen is granted an exemption on that person's homestead from City of Tucker ad valorem taxes for municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead, does not exceed \$15,000.00 for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section due to being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of such physician or physicians, such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Tucker, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Tucker, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Tucker, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Tucker, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

### **SECTION 5.10.**

#### Homestead exemption; general.

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

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Tucker, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

- (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (b) Each resident of the City of Tucker is granted an exemption on that person's homestead from City of Tucker ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Tucker, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Tucker, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Tucker, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Tucker, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

### **SECTION 5.11.**

#### Homestead exemption; surviving spouses.

- (a) As used in this section, the term:
- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Tucker, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
- (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

- (3) "Unremarried surviving spouse" of a member of the armed forces includes the unmarried widow or widower of a member of the armed forces who is receiving spousal benefits from the United States Department of Veterans Affairs.
- (b) Any person who is a resident of the City of Tucker and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all City of Tucker ad valorem taxation for municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 2013, the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.
- (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving spouse shall furnish to the governing authority of the City of Tucker, or the designee thereof, documents from the Secretary of Defense evidencing that such unremarried surviving spouse receives spousal benefits as a result of the death of such person's spouse who as a member of the armed forces of the United States was killed or died as a result of a war or armed conflict while on active duty or while performing authorized travel to or from active duty during such war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal law which provides survivor benefits for spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.
- (d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of Tucker, or the designee thereof, information relative to marital status and such other information which the governing authority of the City of Tucker, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of Tucker or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing authority of the City of Tucker, or the designee thereof, may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of Tucker, or the designee thereof, in the event that person for any reason becomes ineligible for such exemption.

- (e) The exemption granted by this section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for municipal purposes which is equal to or lower in amount than such exemption granted by this section. If the amount of any other exemption from ad valorem taxation for municipal purposes applicable to any resident qualifying under this section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this section.
- (f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2017.

ARTICLE VI  
GENERAL PROVISIONS  
**SECTION 6.01.**

DeKalb county special services tax district.

For the taxable years beginning on or after January 1, 2016, the adjusted ad valorem tax millage rate and amount for service charges or fees for district services for the Tucker special services tax district shall be 0 percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act No. 168; House Resolution No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb County for the City of Tucker shall be established through intergovernmental agreements or established as otherwise authorized by statute.

**SECTION 6.02.**

Referendum and initial election.

(a) The election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Tucker for approval or rejection. The superintendent shall set the date of such election for the Tuesday after the first Monday in November, 2015. The superintendent shall issue the call for such election at least 60 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of Tucker in DeKalb County  
( ) NO according to the charter contained in the Act and the homestead  
exemptions described in the Act be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the

votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of Tucker shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Tucker to be held on the date of and in conjunction with the 2016 presidential preference primary, the qualified electors of the City of Tucker shall be those qualified electors of DeKalb County residing within the corporate limits of the City of Tucker as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of Tucker shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of Tucker to be held on the date of and in conjunction with the 2016 presidential preference primary, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of Tucker and the powers and duties of the governing authority of the City of Tucker.

### **SECTION 6.03.**

#### Effective dates and transition.

(a) The initial mayor and councilmembers shall take the oath of office the next business day after certification of the election of such officers and by action of any four members of the governing authority may, prior to the first day of the second month immediately following the 2016 presidential preference primary, meet and take actions binding on the city.

(b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of Tucker. Accordingly, there shall be a two-year transition period as allowed by law beginning at 12:01 A.M. on the first day of the second month immediately following the 2016 presidential preference primary.

(c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided in 2015 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' prior written notice to the governing authority of DeKalb County by the governing authority of the City of Tucker, responsibility for any such service or function shall be transferred to the City of Tucker. The governing authority of the City of Tucker shall determine the date of commencement of collection of taxes, fees, assessments, fines and

forfeitures, and other moneys within the territorial limits of the city and the date upon which the City of Tucker is considered removed from the special services tax district.

(d) During the transition period, the governing authority of the City of Tucker may generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.

(e) During the transition period, all ordinances of DeKalb County shall remain applicable within the territorial limits of the city unless otherwise amended, repealed, or replaced by the City of Tucker. Any transfer of jurisdiction to the City of Tucker during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb County.

(f) During the transition period, the governing authority of the City of Tucker may at any time, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Tucker commencing to exercise its planning and zoning powers, the Municipal Court of the City of Tucker shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(g) Effective upon the termination of the transition period, subsections (b) through (f) of this section shall cease to apply except for the last sentence of subsection (e) which shall remain effective. Effective upon the termination of the transition period, the City of Tucker shall be a full functioning municipal corporation and subject to all general laws of this state.

#### **SECTION 6.04.**

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that, if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable. If the referendum election provided for in Section 6.02 of this Act is conducted on or before the Tuesday after the first Monday in November, 2015, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is

conducted after the Tuesday after the first Monday in November, 2015, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the date of the 2016 presidential preference primary, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.

**SECTION 6.05.**

Charter commission.

No later than three years after the inception of the City of Tucker, the mayor and the city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the charter. Members of the charter commission shall be appointed as follows: one member by the mayor, one member by the city council, and one member by each member of the Georgia House of Representatives and Georgia Senate whose district lies wholly or partially within the corporate boundaries of the City of Tucker. All members of the charter commission shall reside in the City of Tucker. The commission shall complete the recommendations within the time frame required by the city council.

**SECTION 6.06.**

Effective date.

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

**SECTION 6.07.**

Repealer.

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

APPENDIX A

LEGAL DESCRIPTION

CORPORATE LIMITS

CITY OF TUCKER, DEKALB COUNTY, GEORGIA

The corporate limits of the City of Tucker shall include the areas specified as follows unless such areas are within the corporate limits of another municipality on the effective date of this charter:

Plan: tucker-SD040-p1(corp)-2015

Plan Type: Local

Administrator: SD040

User: bak

District TUCKER

DeKalb County

VTD: 089BF - BROCKETT ELEMENTARY

VTD: 089BH - BROCKETT

VTD: 089HA - HAMBRICK ELEM

021910:

3018

VTD: 089HG - HUGH HOWELL

VTD: 089IA - IDLEWOOD ELEM

VTD: 089JB - JOLLY ELEM

021805:

3018

022009:

2001

VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL

VTD: 089MH - MIDVALE ELEM

021809:

5000 5001 5002 5003 5004 5005 5009 5010 5011 5012 5013 5014

5015

021810:

2000 2001 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

2017 2018

VTD: 089MK - MONTREAL

VTD: 089MM - MEMORIAL NORTH

021910:

3021

022009:

3014

VTD: 089MW - MIDVALE ROAD

021809:

5018 5019 5020 5022

021810:

2002 2003 2004 2005 2006 2019 2020 2021

VTD: 089NC - NORTH HAIRSTON

021910:

1000 2000

VTD: 089RD - REHOBOTH

021704:

1007 1008 1009 1010 1011 1012 1024 1025 2005 2006 2007 2008

2009 2010 2011 2012 2013 2014

VTD: 089SD - STN MTN ELEMENTARY

021907:

1001 1008 1009 1010 1020

VTD: 089SH - SMOKE RISE

VTD: 089SI - STN MTN MIDDLE

VTD: 089SJ - STONE MILL ELEM

021911:

2002

021913:

3000 3002 3003

VTD: 089TF - TUCKER

VTD: 089TH - TUCKER LIBRARY

For the purposes of this description, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in the description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

## APPENDIX B

### LEGAL DESCRIPTION COUNCIL DISTRICTS

#### CITY OF TUCKER, DEKALB COUNTY, GEORGIA

Plan: tucker-SD040-p1(dist)-2015

Plan Type: Local

Administrator: SD040

User: bak

District 001

DeKalb County

VTD: 089BF - BROCKETT ELEMENTARY

021805:

3000

021806:

1000 1001 1002 1003 1007 1008 1009 1015 1016 1017 1018 1019

1021 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

2023 2024 2025 2027 2028 2031 3017

021912:

1004 1005

VTD: 089HG - HUGH HOWELL

VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL

021806:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011  
3012 3013 3014 3018 3019 3020

VTD: 089NC - NORTH HAIRSTON

021910:

1000

VTD: 089SD - STN MTN ELEMENTARY

021907:

1001 1008 1009 1010 1020

VTD: 089SH - SMOKE RISE

VTD: 089SI - STN MTN MIDDLE

021805:

3002 3003 3007 3008

021806:

2026 2029 2030

021907:

3026

021910:

3000 3001 3002 3003 3004 3005

021911:

2000 2001

021913:

1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012  
1013 1015 1016 1017 1018 2001 2002 2003 2004 2005 2006 2007  
2008 2009 2010 2011

VTD: 089SJ - STONE MILL ELEM

021911:

2002

021913:

3000 3002 3003

District 002

DeKalb County

VTD: 089BF - BROCKETT ELEMENTARY

021805:

1009 1010 1013 1014 1016 1017 3001 3009

021806:

1004 1006 1010 1011 1012 1013 1014 1020 1022

VTD: 089BH - BROCKETT

021805:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1012 1015  
1018 1019 1020 1021 1022 1023 1024 1025 1026 2000 2001 2002

2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019  
2020 2021 2022 3019

021806:

1005

022009:

3007 3008

VTD: 089HA - HAMBRICK ELEM

021910:

3018

VTD: 089IA - IDLEWOOD ELEM

VTD: 089JB - JOLLY ELEM

021805:

3018

022009:

2001

VTD: 089MK - MONTREAL

022001:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023  
1024 1025 1026 1027 1028 1029

022007:

1000 1011 1012

022009:

1014 1015 2000

VTD: 089MM - MEMORIAL NORTH

021910:

3021

022009:

3014

VTD: 089NC - NORTH HAIRSTON

021910:

2000

VTD: 089SI - STN MTN MIDDLE

021805:

3004 3005 3020 3021 3022

District 003

DeKalb County

VTD: 089BH - BROCKETT

021805:

2003 2004 2005 2006 2007

021809:

2038 2039 2040

021810:

3023 3030 3031 3034 3035

VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL

021806:

3015 3016

021809:

1004 1005 1006 1008 2000 2001 2002 2003 2004 2005 2006 2011

2012 2022 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009

VTD: 089MH - MIDVALE ELEM

021809:

5000 5001 5002 5003 5004 5005 5009 5010 5011 5012 5013 5014

5015

021810:

2000 2001 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

2017 2018

VTD: 089MK - MONTREAL

021704:

1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 2004

VTD: 089MW - MIDVALE ROAD

021809:

5018 5019 5020 5022

021810:

2002 2003 2004 2005 2006 2019 2020 2021

VTD: 089RD - REHOBOTH

021704:

1007 1008 1009 1010 1011 1012 1024 1025 2005 2006 2007 2008

2009 2010 2011 2012 2013 2014

VTD: 089TF - TUCKER

VTD: 089TH - TUCKER LIBRARY

For the purposes of this plan (tucker-p1-2015):

(1) The term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia;

(2) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia;

(3) Any part of the City of Tucker which is not included in any district described in this plan (tucker-p1-2015) shall be included within that district contiguous to such

part which contains the least population according to the United States decennial census of 2010 for the State of Georgia;

(4) Any part of the City of Tucker which is described in this plan (tucker-p1-2015) as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia; and

(5) Any part of the City of Tucker which is described in this plan but is in the corporate limits of another municipality on the effective date of this Act shall nevertheless not be included in any of the districts described in the plan.

### APPENDIX C

#### CERTIFICATE AS TO MINIMUM STANDARDS FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Representative Billy Mitchell, Georgia State Representative from the 88th District and the author of this bill introduced at the 2015 session of the General Assembly of Georgia, which grants an original municipal charter to the City of Tucker, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Honorable Billy Mitchell  
Representative, 88th District  
Georgia State House of Representatives

Representative Mitchell of the 88th moved that the House disagree to the Senate substitute to HB 515.

Representative Jacobs of the 80th moved that HB 515 be placed upon the table.

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

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

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

On the motion, the ayes were 81, nays 67.

The motion prevailed.

HB 320. By Representatives Williams of the 119th, Ramsey of the 72nd, Carter of the 175th, Hatchett of the 150th, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to provide that public disclosure of certain records held by the Georgia Student Finance Commission, the Georgia Higher Education Assistance Corporation, and the Georgia Student Finance Authority is not required; to provide, without judicial action, for the garnishment of pay, loss of a professional license, offset of lottery winnings, and offset of a state tax refund for amounts owed to the Georgia Student Finance Commission and the Georgia Student Finance Authority; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate moves to *amend HB 320 (LC 41 0384) by replacing lines 18, 42, and 56 with the following:*

address except for ZIP Code, telephone number, or emergency contact; and

Senate Amendment #2

The Senate moves to *amend HB 320 (LC 41 0384) by replacing lines 5 through 8 with the following:*

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

*By replacing "two new subsections" with "a new subsection" on lines 14 and 52.*

*By inserting a quotation mark at the end of line 24 and deleting lines 25 through 34.*

*By inserting a quotation mark at the end of line 62 and deleting lines 63 through 72.*

The following amendment was read and adopted:

Representative Williams of the 119th offers the following amendment:

*Amend the Senate amendment to HB 320 by deleting all of the following from said amendment:*

*Amend HB 320 (LC 41 0384) by replacing lines 5 through 8 with the following:  
provide for related matters; to repeal conflicting laws; and for other purposes.*

*By replacing "two new subsections" with "a new subsection" on lines 14 and 52.*

*By inserting a quotation mark at the end of line 24 and deleting lines 25 through 34.*

*By inserting a quotation mark at the end of line 62 and deleting lines 63 through 72.*

Representative Williams of the 119th moved that the House agree to the Senate amendments, as amended by the House, to HB 320.

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

Y Abrams	E Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	E Smith, L
E Allison	Y Corbett	Y Harrell	Y Morris	Smith, M

Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	E 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	Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	E Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	Y Pezold	Y Tanner
Y Beskin	E 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
Y Brooks	Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	E Thomas, E
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	Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	E Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	E Williams, A
Y Clark, D	E Golick	E Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	Y McCall	Y Shaw	Y Yates
E Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the motion, the ayes were 148, nays 0.

The motion prevailed.

The following Resolutions of the House were read and adopted:

HR 843. By Representatives Burns of the 159th, Hitchens of the 161st and Stephens of the 164th:

A RESOLUTION recognizing and commending Mrs. Karen Tanksley on the grand occasion of her retirement; and for other purposes.

HR 844. By Representatives Greene of the 151st, Harden of the 148th, Smith of the 70th and Williams of the 119th:

A RESOLUTION recognizing and commending Mr. William T. Potter, Jr. on the occasion of his retirement from the Department of Natural Resources; and for other purposes.

HR 845. By Representative Thomas of the 56th:

A RESOLUTION commending Frederick Douglass High School's Class of 1970; and for other purposes.

HR 846. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending the Exchange Club of Rome and its Americanism Committee for the community service project they sponsored to commemorate the 200th anniversary of the Star-Spangled Banner; and for other purposes.

HR 847. By Representatives Stovall of the 74th, Smyre of the 135th, Thomas of the 56th, Bruce of the 61st and Waites of the 60th:

A RESOLUTION commending Lovett Stovall; and for other purposes.

HR 848. By Representatives Thomas of the 56th, McClain of the 100th and Brooks of the 55th:

A RESOLUTION honoring the life and memory of Othello Nelson "Chico" Renfroe, Sr.; and for other purposes.

HR 849. By Representatives Hugley of the 136th, Buckner of the 137th, Smith of the 134th, Smyre of the 135th and Pezold of the 133rd:

A RESOLUTION congratulating Dr. George W. Shannon upon the grand occasion of his retirement; and for other purposes.

HR 850. By Representative Dudgeon of the 25th:

A RESOLUTION honoring the life and memory of Christopher Edward Carlton; and for other purposes.

HR 851. By Representatives Stephens of the 165th, Gordon of the 163rd, Hitchens of the 161st, Stephens of the 164th, Petrea of the 166th and others:

A RESOLUTION congratulating the H. V. Jenkins High School basketball team on winning the 2015 GHSA Class 1-AAA State Championship; and for other purposes.

HR 852. By Representatives Fludd of the 64th, Bruce of the 61st, Mitchell of the 88th, Mosby of the 83rd and Alexander of the 66th:

A RESOLUTION commending the Association for the Study of African American Life and History (ASALH) for its 100th anniversary; and for other purposes.

HR 855. By Representative Mitchell of the 88th:

A RESOLUTION commending the Stephenson High School Lady Jaguars basketball team on winning the GHSA Class AAAAA state championship; and for other purposes.

HR 856. By Representatives Dickson of the 6th, Broadrick of the 4th and Meadows of the 5th:

A RESOLUTION congratulating the Dalton State College basketball team for winning the 2015 NAIA national championship game; and for other purposes.

HR 857. By Representatives Dickson of the 6th, Broadrick of the 4th and Meadows of the 5th:

A RESOLUTION congratulating the Dalton State College basketball team for winning the 2015 NAIA national championship game; and for other purposes.

HR 858. By Representatives Dempsey of the 13th, Roberts of the 155th, Shaw of the 176th, Parrish of the 158th, Cooper of the 43rd and others:

A RESOLUTION recognizing May 14, 2015, as Atrial Fibrillation Day at the state capitol; and for other purposes.

HR 859. By Representatives Kaiser of the 59th, Brooks of the 55th, Williams of the 168th, Smyre of the 135th, Randall of the 142nd and others:

A RESOLUTION honoring the life and memory of Curtis Lee Atkinson; and for other purposes.

HR 860. By Representatives Oliver of the 82nd, Mosby of the 83rd, Jacobs of the 80th, Williams of the 87th, Bennett of the 94th and others:

A RESOLUTION commending the Junior League of DeKalb County; and for other purposes.

HR 861. By Representatives Oliver of the 82nd, Mosby of the 83rd, Jacobs of the 80th, Williams of the 87th, Bennett of the 94th and others:

A RESOLUTION commending Day League, formerly known as the DeKalb Rape Crisis Center; and for other purposes.

Representative Waites of the 60th moved that the following Bill of the House be withdrawn from the Committee on Education and recommitted to the Committee on Juvenile Justice:

HB 40. By Representatives Waites of the 60th, Scott of the 76th, Jones of the 53rd, Brooks of the 55th and Stovall of the 74th:

A BILL to be entitled an Act to amend Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to discipline of students in elementary and secondary education, so as to revise provisions relating to bullying; to prohibit bullying and harassment of students and school employees; to require annual reporting of bullying and harassment incidents; to provide for definitions; to provide for requirements for local boards of education, state charter schools, and private schools; to provide for requirements for the Department of Education; to provide for statutory construction; to provide for legislative findings; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

Mr. Speaker:

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

SB 216. By Senators Tippins of the 37th, Hill of the 32nd, Rhett of the 33rd, Tate of the 38th and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate and provide a new charter for the City of Acworth," approved February 17, 1989 (Ga. L. 1989, p. 3512), as amended, particularly by an Act approved March 28, 1990 (Ga. L. 1990, p. 4736), an Act approved April 17, 1992 (Ga. L. 1992, p. 6445), an Act approved March 30, 1993 (Ga. L. 1993, p. 4245), and an Act approved September 21, 1995 (Ga. L. 1995, Ex. Sess., p. 322), so as to adopt by reference a certain map; to repeal conflicting laws; and for other purposes.

- SB 217. By Senators Tippins of the 37th, Hill of the 32nd, Rhett of the 33rd, Tate of the 38th and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate and provide a new charter for the City of Acworth," approved February 17, 1989 (Ga. L. 1989, p. 3512), as amended, particularly by an Act approved March 20, 1990 (Ga. L. 1990, p. 4736), an Act approved April 17, 1992 (Ga. L. 1992, p. 6445), an Act approved March 30, 1993 (Ga. L. 1993, p. 4245), and an Act approved September 21, 1995 (Ga. L. 1995, Ex. Sess., p. 322), so as to change the corporate boundaries; to repeal conflicting laws; and for other purposes.

- SB 232. By Senators Tippins of the 37th, Thompson of the 14th, Hill of the 6th, Tate of the 38th and Rhett of the 33rd:

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. 4102), so as to change the compensation of the judges of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 233. By Senators Tippins of the 37th, Thompson of the 14th, Hill of the 6th, Tate of the 38th and Rhett of the 33rd:

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), so as to change the compensations of the clerk and the chief deputy clerk of the State Court of Cobb County; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 237. By Senator Gooch of the 51st:

A BILL to be entitled an Act to provide for the compensation of the members of the Board of Education of White County; to repeal conflicting laws; and for other purposes.

SB 238. By Senator Burke of the 11th:

A BILL to be entitled an Act to create the Bainbridge-Decatur County Recreation Authority and to authorize such authority to provide recreational services throughout Decatur County; to provide for related matters; to provide for activation of the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 131. By Representatives Dickerson of the 113th, Drenner of the 85th, Waites of the 60th, Thomas of the 56th and Jones of the 53rd:

A BILL to be entitled an Act to amend Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to policies in public schools prohibiting bullying, so as to prohibit cyberbullying; to provide for related matters; to provide for a short title; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

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

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

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

HB 362. By Representatives Clark of the 101st, Cooper of the 43rd, Fleming of the 121st, Coleman of the 97th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize licensed health practitioners to prescribe albuterol sulfate for schools; to authorize pharmacists to fill such prescriptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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.

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

SB 216. By Senators Tippins of the 37th, Hill of the 32nd, Rhett of the 33rd, Tate of the 38th and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate and provide a new charter for the City of Acworth," approved February 17, 1989 (Ga. L. 1989, p. 3512), as amended, particularly by an Act approved March 28, 1990 (Ga. L. 1990, p. 4736), an Act approved April 17, 1992 (Ga. L. 1992, p. 6445), an Act approved March 30, 1993 (Ga. L. 1993, p. 4245), and an Act approved September 21, 1995 (Ga. L. 1995, Ex. Sess., p. 322), so as to adopt by reference a certain map; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 217. By Senators Tippins of the 37th, Hill of the 32nd, Rhett of the 33rd, Tate of the 38th and Thompson of the 14th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate and provide a new charter for the City of Acworth," approved February 17, 1989 (Ga. L. 1989, p. 3512), as amended, particularly by an Act approved March 20, 1990 (Ga. L. 1990, p. 4736), an Act approved April 17, 1992 (Ga. L. 1992, p. 6445), an Act approved March 30, 1993 (Ga. L. 1993, p. 4245), and an Act approved September 21, 1995 (Ga. L. 1995, Ex. Sess., p. 322), so as to change the corporate boundaries; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 232. By Senators Tippins of the 37th, Thompson of the 14th, Hill of the 6th, Tate of the 38th and Rhett of the 33rd:

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. 4102), so as to change the compensation of the judges of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 233. By Senators Tippins of the 37th, Thompson of the 14th, Hill of the 6th, Tate of the 38th and Rhett of the 33rd:

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), so as to change the compensations of the clerk and the chief deputy clerk of the State Court of Cobb County; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 237. By Senator Gooch of the 51st:

A BILL to be entitled an Act to provide for the compensation of the members of the Board of Education of White County; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 238. By Senator Burke of the 11th:

A BILL to be entitled an Act to create the Bainbridge-Decatur County Recreation Authority and to authorize such authority to provide recreational services throughout Decatur County; to provide for related matters; to provide for activation of the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

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

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.

HB 670. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to provide for a homestead exemption from City of Decatur ad valorem taxes for municipal purposes except for ad valorem taxes levied to pay interest on and to retire municipal bonded indebtedness in the amount of \$15,000.00 of the assessed value of the homestead for residents of that city who are 62 years of age or older and whose income does not exceed \$50,000.00; 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.

HB 671. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to repeal a former local constitutional amendment, Ga. L. 1981, p. 1914, which former local constitutional amendment was continued in effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution of Georgia and which provides for a homestead exemption from certain city ad valorem taxes for residents of the City of Decatur in an amount to be fixed by the governing authority of the city at not more than \$2,000.00 for the first year, and which may be increased periodically, but which exemption shall not exceed \$10,000.00; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 672. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act approved March 27, 1985 (Ga. L. 1985, p. 4140), as amended, particularly by an Act approved March 25, 1986 (Ga. L. 1986, p. 4475), and by an Act approved April 13, 2001 (Ga. L. 2001, p. 4259), so as to provide for a homestead exemption from City of Decatur ad valorem taxes; 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.

HB 673. By Representatives Mayo of the 84th, Oliver of the 82nd, Drenner of the 85th, Mosby of the 83rd, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act approved April 19, 2000 (Ga. L. 2000, p. 4285), so as modify the amount of a homestead exemption from City of Decatur ad valorem taxes for municipal purposes except for ad valorem taxes levied to pay interest on and to retire municipal bonded indebtedness in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

Mr. Speaker:

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

HB 452. By Representatives Ballinger of the 23rd, Efstration of the 104th, Fleming of the 121st, Powell of the 32nd, Golick of the 40th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to the Family Violence and Stalking Protective Order Registry, so as to provide for registration of pretrial release orders that prohibit contact with others issued in this state and in foreign courts; to revise the short title; to revise definitions; to provide for conforming references to the defined terms; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

HB 394. By Representatives Cooper of the 43rd, Clark of the 101st, Hatchett of the 150th, Smith of the 134th, Rynders of the 152nd and others:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to revise various provisions relating to the licensure of registered professional nurses and licensed practical nurses; to revise provisions relating to the powers and duties of the Georgia Board of Nursing; to provide for acceptance of nursing education programs located outside the United States; to provide for a time period for applicants who do not pass the licensing examination; to revise provisions relating to renewal of licensure; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 551. By Representative Brockway of the 102nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salary deductions applicable to public officers and employees, so as to authorize local political subdivisions to provide for voluntary contributions by employees through payroll deductions to certain not for profit organizations; to provide for a definition; to authorize voluntary deductions from wages or salaries of employees of the State of Georgia and local units of administration for purchases of consumer offerings through an employee purchase program facilitated by and through the Department of Administrative Services; to change a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 432. By Representatives Raffensperger of the 50th, Willard of the 51st, Geisinger of the 48th, Brooks of the 55th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory by municipal corporations, so as to provide that local Acts providing for the deannexation of property from a municipality and the annexation of the same property to another municipality which are effective on the same date do not create a prohibited unincorporated island; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

- SB 82. By Senators Wilkinson of the 50th, Ginn of the 47th, Gooch of the 51st, Williams of the 19th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and alternative ad valorem taxation of apportionable vehicles, so as to revise and change certain provisions regarding the distribution of alternative ad valorem tax proceeds; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

- SB 101. By Senators Watson of the 1st, Jackson of the 2nd, Ligon, Jr. of the 3rd, Williams of the 19th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to the control of soil erosion and sedimentation, so as to provide for a buffer against coastal marshlands within which certain land-disturbing activities are prohibited; to provide for exceptions and variances; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

- SB 4. By Senators Gooch of the 51st, Williams of the 19th, Mullis of the 53rd, Orrock of the 36th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban redevelopment for counties and municipal corporations, so as to provide for the use of surface transportation projects in urban redevelopment areas; to provide for definitions; to provide for public contracts with private enterprises for the completion of surface transportation projects; to provide for methods of procurement for surface transportation projects in urban redevelopment areas; to provide for limitations on former public employees when negotiating contracts for surface transportation projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, A.M., Tuesday, March 31, 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., Tuesday, March 31, 2015.