Representative Hall, Atlanta, Georgia

Thursday, April 2, 2015

Fortieth Legislative Day

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

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

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

Due to a mechanical malfunction, Representative Abrams of the 89th was not recorded on the attendance roll call. She wished to be recorded as present.

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

Representatives Casas of the 107th, Jacobs of the 80th, Jordan of the 77th, Kirby of the 114th, Mayo of the 84th, Oliver of the 82nd, and Parsons of the 44th.

They wished to be recorded as present.

Prayer was offered by Representative Mack Jackson, District 142, Pastor, St. James Fellowship Church, Tennille, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

The following communication was received:

House of Representatives
State Capitol, Room 217
Atlanta, Georgia 30334

April 1, 2015

Mr. Bill Reilly, Clerk
House of Representatives
309 State Capitol
Atlanta, GA 30334

RE: H.B. 170 CCR

Dear Mr. Clerk:

I somehow missed a vote on the Conference Committee Report on H.B. 170 last night and was recorded as not voting. I would like the Journal to reflect that I voted **Yea** on this bill.

Your help in this matter would be greatly appreciated.

Sincerely,

/s/ John Yates
State Representative
District 73

JY:dr

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 691. By Representatives Tanner of the 9th, Willard of the 51st, Welch of the 110th, Caldwell of the 131st and Golick of the 40th:

A BILL to be entitled an Act to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts generally, so as to provide the removal of appointed municipal court judges under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 692. By Representatives Carter of the 175th, Beverly of the 143rd, Maxwell of the 17th, Dickson of the 6th and Smyre of the 135th:

A BILL to be entitled an Act to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to authorize marriage and family therapists to perform certain acts which physicians, psychologists, and others are authorized to perform regarding emergency examinations of persons for involuntary evaluation and treatment for mental illness or alcohol

or drug abuse; to define certain terms; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 693. By Representatives Burns of the 159th, Roberts of the 155th, McCall of the 33rd, Williams of the 168th and Knight of the 130th:

A BILL to be entitled an Act to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to repeal and reenact Chapter 6A, relating to land conservation; to create the Georgia Legacy Trust Fund; to create funding mechanisms for the protection and preservation of conservation land and provide for their operation; to provide for legislative intent; to provide for definitions; to establish procedural requirements for approval of project proposals; to provide for related matters; to provide an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 694. By Representatives Brockway of the 102nd, Dudgeon of the 25th and Raffensperger of the 50th:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia, relating to insurance generally, so as to provide for disclosure of health care fees; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for disclosures by health care providers; to provide for certain notices; to provide for penalties; to provide for prohibitions for filing credit reports and violation penalties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 695. By Representatives Randall of the 142nd, Dempsey of the 13th, Harbin of the 122nd, Hatchett of the 150th, Rogers of the 29th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for office based surgery procedures; to provide for definitions; to provide for exemptions; to provide for application of procedures; to provide for accreditation or certification requirements; to provide for competency standards; to provide for sedation assessment and management; to provide for separation of

surgical and monitoring functions; to provide for emergency care and transfer protocols; to provide for medical record requirements; to provide for standards of practice; to provide for adverse events and advertising requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 696. By Representatives Welch of the 110th, Willard of the 51st, Oliver of the 82nd, Chandler of the 105th and Houston of the 170th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions relative to the Department of Human Resources, so as to provide that the department shall, upon request, conduct criminal background investigations as required by the Department of Juvenile Justice and the Department of Behavioral Health and Developmental Disabilities; to provide for the issuance and use of such certification; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HB 697. By Representatives Kirby of the 114th, Harden of the 148th, Caldwell of the 20th, Burns of the 159th, Jasperse of the 11th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to unsolicited merchandise, so as to require solicitors to receive from consumers affirmative assent to continued receipt of certain merchandise following a free trial before charging; to provide for remedies; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 698. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that no public retirement system shall invest funds in companies producing songs using certain racist or obscene lyrics; to provide for divestiture of such investments; to provide for related matters; 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 699. By Representatives Welch of the 110th, Setzler of the 35th, Strickland of the 111th and Tanner of the 9th:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to provisions applicable to counties, municipal corporations, and other governmental entities, so as to define a certain term; to provide that when a majority of an elected governing body is not elected to serve the next term of office, such body shall not have the authority to incur debt, execute contracts, or dispose of assets; to provide that such contracts or instruments of indebtedness shall be void ab initio; to provide for a cause of action to enforce such provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 700. By Representatives Epps of the 144th, Weldon of the 3rd, Hawkins of the 27th, Gardner of the 57th and Bennett of the 94th:

A BILL to be entitled an Act to amend Article 7C of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to therapy services for children with disabilities, so as to revise provisions relating to therapy services under Medicaid for children with disabilities; to provide for requirements relating to the Children's Intervention Services Program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 863. By Representatives Stover of the 71st, Caldwell of the 20th, Cooke of the 18th, Tarvin of the 2nd, Spencer of the 180th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide that all proceeds received by the state from title ad valorem taxes on motor vehicles shall be appropriated for providing and maintaining an adequate system of public roads and bridges in this state and for grants to counties for road construction and maintenance; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Transportation.

HR 864. By Representatives Dudgeon of the 25th and Duncan of the 26th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly may by general law authorize local boards of education to impose, levy, and collect development impact fees and use the proceeds to pay for a share of the cost of additional educational facilities; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 900. By Representatives Barr of the 103rd, Welch of the 110th, Cooke of the 18th, Brockway of the 102nd and Williamson of the 115th:

A RESOLUTION providing for delegates from the General Assembly of Georgia to the Assembly of State Legislatures; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 906. By Representatives Waites of the 60th, Williams of the 87th, Jones of the 53rd, Anderson of the 92nd and Kidd of the 145th:

A RESOLUTION urging the State of Georgia to consider the devastation caused by pit bull attacks when crafting legislation regulating dogs so as not to impose on local governments that choose to regulate those dogs for the safety of the community; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 907. By Representatives Burns of the 159th, Roberts of the 155th, McCall of the 33rd, Williams of the 168th and Knight of the 130th:

A RESOLUTION proposing an amendment to the Constitution so as to authorize an annual allocation of 75 percent of the revenue derived from the state sales and use tax with respect to the sale of outdoor recreation equipment to a trust fund to be used for the protection and preservation of conservation land; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

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

HB 685	HB 686
HB 689	HB 690
HR 853	HR 854
HR 862	

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

Mr. Speaker:

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

SB 215	Do Pass	SB 216	Do Pass
SB 217	Do Pass	SB 220	Do Pass
SB 231	Do Pass	SB 237	Do Pass
SB 238	Do Pass		

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

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

Mr. Speaker:

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

HR 768 Do Pass

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

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

HOUSE RULES CALENDAR
THURSDAY, APRIL 2, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HR 810 House Study Committee on Short-Term Rental Providers; create (SBD-Burns-159th)

Modified Structured Rule

SB 59 "Partnership for Public Facilities and Infrastructure Act" (Substitute) (GAff-Hamilton-24th) Hill-6th (AM 28 1425)
SB 156 State Charter Schools Commission; authorize to establish a nonprofit foundation (Ed-Belton-112th) Tippins-37th
SB 203 Georgia World War I Centennial Commission; create; membership, powers, and duties (Substitute)(D&VA-Yates-73rd) Hill-6th
SR 126 Bill T. Hardman Hospitality Highway; Dawson and Lumpkin counties; dedicate (Substitute)(Trans-Roberts-155th) Gooch-51st

Structured Rule

None

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

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

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

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.

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

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.

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

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.

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

SB 220. 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.

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

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.

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

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.

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

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

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

HB 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.

The following Senate substitute was read:

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, is amended by revising Section 5 by deleting "and" at the end of paragraph (19.1) and by adding a new paragraph to read as follows:

"(19.2) As authorized by and pursuant to an intergovernmental agreement with the governing authority responsible for storm water control in the areas served by the authority, to provide storm water management services and operate, maintain, develop, repair, and construct a storm water management system and utility in areas served by the authority; to issue bonds therefor, set rates, establish fees, and enter into agreements regarding the same; and to perform any and all actions related to the operation and maintenance of such storm water management system and utility including the right to exercise all powers as are now or may hereafter be vested in the authority in connection with its operation and provision of water and sewerage services in the areas which it services; and".

SECTION 2.

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

HB 652. By Representatives O`Neal of the 146th, Dickey of the 140th, Harden of the 148th, Epps of the 144th and Clark of the 147th:

A BILL to be entitled an Act to create the Perry Public Facilities Authority; 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 create the Perry Public Facilities Authority; to provide for the appointment of members of such authority; to confer powers upon the authority; to authorize the issuance of revenue bonds by the authority payable from the revenues, tolls, fees, charges, and earnings of the authority, contract payments to the authority, and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings, and contract payments of the authority for the payment of such revenue bonds; to authorize the execution of resolutions and trust indentures to secure the payment of the revenue bonds of the authority and to define the rights of the holders of such obligations; to make the revenue bonds of the authority exempt from taxation; to fix and provide the venue and jurisdiction of actions relating to any provisions of this Act; to provide for the validation of bonds; to provide for the separate enactment of each provision of this Act; 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.
Short title.

This Act shall be known and may be cited as the "Perry Public Facilities Authority Act."

SECTION 2.
Perry Public Facilities Authority.

(a) There is created a public body corporate and politic to be known as the "Perry Public Facilities Authority," which shall be deemed to be a political subdivision of the state and a public corporation, and by that name, style, and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. The authority shall have perpetual existence.

(b) The authority shall consist of seven members. The mayor and councilmembers of the City of Perry shall each appoint one member whose term on the authority shall correspond with the term of the mayor or councilmember who appointed such member.
(c) The members of the authority shall not be compensated for their services; provided, however, that such members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.
(d) The members of the authority shall elect one of their number as chairperson and another as a vice-chairperson. The members of the authority shall also elect a secretary, who need not be a member of the authority, and may also elect a treasurer, who need not be a member of the authority. The secretary may also serve as treasurer. If the secretary or treasurer are not members of the authority, such officers shall have no voting rights. Such officers shall serve for a period of one year and until their successors are duly elected and qualified.
(e) Four members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all of the rights and perform all of the duties of the authority.

SECTION 3.
Definitions.

As used in this Act, the term:
(1) "Authority" means the Perry Public Facilities Authority created by this Act.
(2) "City council" means the city council of the City of Perry, Georgia, or similar body or person managing the affairs of the city.
(3) "Costs of the project" means and embraces the cost of construction; the cost of all lands, properties, rights, rights of way, easements, and franchises acquired; the cost of all machinery and equipment; financing charges; interest prior to and during construction and for six months after completion of construction; the cost of engineering, architectural, fiscal agents, accounting, legal, plans and specifications, and other expenses necessary or incidental to determining the feasibility or practicability of the project; administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized; working capital; and all other costs necessary to acquire, construct, add to, extend, improve, equip, operate, and maintain the project.
(4) "City" means Perry, Georgia, and its successors.
(5) "Project" means:
(A) All buildings, facilities, equipment, and other real and personal property necessary or beneficial for the efficient operation of the city or any department, agency, division, or commission thereof; and
(B) Any undertaking of the city permitted pursuant to the Revenue Bond Law.
(6) "Revenue Bond Law" means the state's Revenue Bond Law as enacted in Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated.

(7) "Revenue bonds" means revenue bonds authorized to be issued pursuant to this Act and the Revenue Bond Law.

(8) "Self liquidating" means any project which the revenues and earnings to be derived by the authority therefrom, including but not limited to any contractual payments with governmental or private entities, and all properties used, leased, and sold in connection therewith, together with any grants, will be sufficient to pay the costs of operating, maintaining and repairing the project and to pay the principal and interest on the revenue bonds or other obligations which may be issued for the purpose of paying the costs of the project.

(9) "State" means the State of Georgia.

SECTION 4.

Powers.

The Authority shall have the power:

(1) To have a seal and alter the same at its pleasure;

(2) To acquire by purchase, lease, gift, or otherwise, and to hold, operate, maintain, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, real property or rights or easements therein, or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the authority; provided, however, no property shall be acquired under the provisions of this Act upon which any lien or encumbrance exists, unless at the time such property is so acquired a sufficient sum of money is to be deposited in trust to pay and redeem the fair value of such lien or encumbrance;

(4) To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix their respective compensations;

(5) To execute contracts, leases, installment sale agreements, and other agreements and instruments necessary or convenient in connection with the acquisition, construction, addition, extension, improvement, equipping, operation, or maintenance of a project; and any and all persons, firms and corporations, the city, and any other political subdivision or municipality of the state are hereby authorized to enter into contracts, leases, installment sale agreements, and other agreements or instruments with the authority upon such terms and for such purposes as they deem advisable and as they are authorized by law;

(6) To acquire, construct, add to, extend, improve, equip, hold, operate, maintain, lease, dispose of, and sell projects;

(7) To pay the costs of the project with the proceeds of revenue bonds or other obligations issued by the authority or from any grant or contribution from the United

States of America or any agency or instrumentality thereof or from the state or any agency or instrumentality or other political subdivision thereof or from any other source whatsoever;

(8) To accept loans or grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may require;

(9) To accept loans or grants of money or materials or property of any kind from the state or any agency or instrumentality or political subdivision thereof, upon such terms and conditions as the state or such agency or instrumentality or political subdivision may require;

(10) To borrow funds for any of its corporate purposes and to issue revenue bonds, and to provide for the payment of the same and for the rights of the holders thereof;

(11) To exercise any power usually possessed by private corporations performing similar functions, including the power to incur short-term debt and to approve, execute, and deliver appropriate evidence of any such indebtedness and the power to enter into interest rate swaps, forward purchase agreements, repurchase agreements, and other similar agreements;

(12) 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; and

(13) To do all things necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5.

Revenue bonds.

The authority, or any entity or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created hereby, shall have power and is hereby authorized to provide by resolution for the issuance of revenue bonds by the authority for the purpose of paying all or any part of the costs of the project and for the purpose of refunding revenue bonds or other obligations previously issued. The principal of and interest on such revenue bonds shall be payable solely from the special fund hereby provided for such payment. The revenue bonds of each issue shall be dated, shall bear interest at such rate or rates per annum, payable at such time or times, shall mature at such time or times not exceeding 40 years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the authority, and may be redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution for the issuance of such revenue bonds.

SECTION 6.

Revenue bonds; form; denomination; registration; place of payment.

The authority shall determine the form of the revenue bonds and shall fix the denomination or denominations of such revenue bonds. The revenue bonds may be issued in registered form, and provision may be made for registration and exchangeability privileges. The authority shall fix the place or places of payment of principal and interest thereon.

SECTION 7.

Revenue bonds; signatures; seal.

All revenue bonds shall bear the manual or facsimile signature of the chairperson or vice-chairperson of the authority and the attesting manual or facsimile signature of the secretary, assistant secretary, or secretary-treasurer of the authority, and the official seal of the authority shall be impressed or imprinted thereon. Any revenue bonds may bear the manual or facsimile signature of such persons as at the actual time of the execution of such revenue bonds shall be duly authorized or hold the proper office, although at the date of issuance of such revenue bonds such person may not have been so authorized or shall not have held such office. In case any officer whose signature shall appear on any revenue bond shall cease to be such officer before the delivery of such revenue bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if that person had remained in office until such delivery.

SECTION 8.

Revenue bonds; negotiability; exemption from taxation.

All revenue bonds shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the laws of the state. All revenue bonds, their transfer and the income therefrom shall be exempt from all taxation within the state. The authority shall be exempt from all taxation within the state in the same manner and to the same extent that the city is exempt from such taxes.

SECTION 9.

Revenue bonds; sale; price; proceeds.

The authority may sell revenue bonds in such manner and for such price as it may determine to be in the best interest of the authority. The proceeds derived from the sale of revenue bonds shall be used solely for the purpose or purposes provided in the resolutions and proceedings authorizing the issuance of such revenue bonds.

SECTION 10.

Revenue bonds; interim receipts and certificates or temporary bonds.

Prior to the preparation of any definitive revenue bonds, the authority may, under like restrictions, issue interim receipts, interim certificates, or temporary revenue bonds, exchangeable for definitive revenue bonds upon the issuance of the latter.

SECTION 11.

Revenue bonds; replacement of lost or mutilated bonds.

The authority may provide for the replacement of any revenue bonds which shall become mutilated or be destroyed or lost.

SECTION 12.

Revenue bonds; conditions precedent to issuance.

The authority shall adopt a resolution authorizing the issuance of the revenue bonds. In the resolution, the authority shall determine that the project financed or refinanced with the proceeds of the revenue bonds is self liquidating. Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its passage. Any such resolution may be passed by a majority of the authority's members at any regular or special meeting that is duly advertised by the authority pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated.

SECTION 13.

Credit not pledged.

Revenue bonds shall not be deemed to constitute a debt of the city nor a pledge of the faith and credit of the city, but such revenue bonds shall be payable solely from the fund hereinafter provided for. The issuance of such revenue bonds shall not directly, indirectly or contingently obligate the city to levy or to pledge any form of taxation whatsoever for payment of such revenue bonds or to make any appropriation for their payment, and all such revenue bonds shall contain recitals on their face covering substantially the foregoing provisions of this section. Notwithstanding the foregoing provisions, this Act shall not affect the ability of the authority and any political subdivision or municipality to enter into an intergovernmental contract pursuant to which the political subdivision or municipality agrees to pay amounts sufficient to pay operating charges and other costs of the authority or any project including, without limitation, the principal of and interest on revenue bonds in consideration for services or facilities of the authority.

SECTION 14.

Trust indenture as security.

In the discretion of the authority, any issuance of revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any

trust company or bank having the powers of a trust company within or outside the state. Either the resolution providing for the issuance of the revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition and construction of the project, the maintenance, operation, repair and insuring of the project, and the custody, safeguarding, and application of all monies.

SECTION 15.
To whom proceeds of bonds shall be paid.

In the resolution providing for the issuance of revenue bonds or in the trust indenture, the authority shall provide for the payment of the proceeds of the sale of the revenue bonds to any officer or person, or any agency, bank, or trust company, who shall act as trustee of such funds and shall hold and apply the same to the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

SECTION 16.
Sinking fund.

The moneys received pursuant to an intergovernmental contract and the revenues, fees, tolls, charges, and earnings derived from any particular project or projects, regardless of whether or not such revenues, fees, tolls, fines, charges, and earnings were produced by a particular project for which revenue bonds have been issued, unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the revenue bonds or in the trust indenture may provide, and such funds so pledged from whatever source received shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund, which said sinking fund shall be pledged to and charged with the payment of the interest upon such revenue bonds as such interest shall fall due; the principal or purchase price of such revenue bonds as the same shall fall due; any premium upon such revenue bonds as the same shall fall due; the purchase of such revenue bonds in the open market; and the necessary charges of the paying agent for paying principal and interest. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds without distinction or priority of one over another.

SECTION 17.
Remedies of bondholders.

Any holder of revenue bonds and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the revenue bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the state, including specifically but without limitation, the Revenue Bond Law, or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture to be performed by the authority or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, fines, and other charges for the use of the facilities and services furnished.

SECTION 18.
Validation.

Revenue bonds and the security therefor shall be confirmed and validated in accordance with the procedure of the Revenue Bond Law. The petition for validation shall also make party defendant to such action any city, municipality, school district, or other political subdivision or authority of the state which has contracted with the authority for services or facilities relating to the project for which revenue bonds are to be issued and sought to be validated, and such defendant shall be required to show cause, if any exists, why such contract or contracts shall not be adjudicated as a part of the basis for the security for the payment of any such revenue bonds. The revenue bonds when validated and the judgment of validation shall be final and conclusive with respect to such revenue bonds and the security for the payment thereof and interest thereon and against the authority and all other defendants.

SECTION 19.
Venue and jurisdiction.

Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such authority shall be brought in the superior court of Houston County, and any action pertaining to validation of any revenue bonds issued under the provisions of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.

SECTION 20.
Interest of bondholders protected.

While any of the revenue bonds issued by the authority remain outstanding, the powers, duties, or existence of said authority or its officers, employees, or agents, shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such revenue bonds. The provisions of this Act shall be for the benefit of the authority and the holders of any such revenue bonds, and upon the issuance of such

revenue bonds under the provisions of this Act, shall constitute a contract with the holders of such revenue bonds.

SECTION 21.
Monies received considered trust funds.

All monies received pursuant to the authority of this Act, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenue, income, fees, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this Act.

SECTION 22.
Purpose of the authority.

Without limiting the generality of any provision of this Act, the public purpose of the authority is declared to be that of providing public buildings, facilities, equipment, and other real and personal property for the citizens in the city.

SECTION 23.
Rates, charges, and revenues; use.

The authority is hereby authorized to prescribe and fix rates and to revise same from time to time and to collect revenues, tolls, fees, and charges for the services, facilities, and commodities furnished, and in anticipation of the collection of the revenues, to issue revenue bonds or other types of obligations as herein provided to finance, in whole or in part, the costs of the project, and to pledge to the punctual payment of said revenue bonds or other obligations, all or any part of the revenues.

SECTION 24.
Rules, regulations, service policies, and
procedures for operation of projects.

It shall be the duty of the authority to prescribe or cause to be prescribed rules, regulations, service policies, and procedures for the operation of any project or projects constructed or acquired under the provisions of this Act. The authority may adopt bylaws.

SECTION 25.
Tort immunity.

To the extent permitted by law, the authority shall have the same immunity and exemption from liability for torts and negligence as the city. The officers, agents, and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the

officers, agents, and employees of the city when in the performance of their public duties or work of the city.

SECTION 26.
Tax-exempt status of authority.

The properties of the authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the state and not for purposes of private or corporate benefit and income, and such properties and the authority shall be exempt from all taxes and special assessments of any municipality, city, or the state and any political subdivision thereof.

SECTION 27.
Effect on other governments.

This Act shall not and does not in any way take from the city or any political subdivision or municipality the authority to own, operate, and maintain public facilities or to issue revenue bonds as provided by the Revenue Bond Law.

SECTION 28.
Earnings and dissolution.

The earnings of the authority shall not inure to the benefit of private persons. Upon dissolution of the authority, title to all property of the authority shall revert to the city.

SECTION 29.
Liberal construction of Act.

This Act, being for the welfare of various political subdivisions and municipalities of the state and its inhabitants, shall be liberally construed to effect the purposes of this Act.

SECTION 30.
Severability; effect of partial invalidity of Act.

The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 31.
Effective date.

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

SECTION 32.
Repealer.

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

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

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

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

On the passage of the Bills, and on the agreement to the Senate substitutes, the ayes were 169, nays 0.

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

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 209. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act completely revising the laws relative to the governing authority of Chatham County, approved March 29, 1984 (Ga. L. 1984, p. 5050), as amended, particularly by an Act approved April 4, 2012 (Ga. L. 2012, p. 4628), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Stephens of the 164th, Gravley of the 67th et al., Kendrick of the 93rd, Stovall of the 74th, Battles of the 15th, Kirby of the 114th, Bentley of the 139th, Anderson of the 92nd, Williamson of the 115th, Pezold of the 133rd, Thomas of the 39th et al., and Thomas of the 56th.

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

HR 810. By Representative Burns of the 159th:

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

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

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

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

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

On the adoption of the Resolution, the ayes were 163, nays 0.

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

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

SB 127. By Senators Jeffares of the 17th, Harbison of the 15th, Harper of the 7th, Williams of the 19th, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to provide for waivers of certain civil penalties and fees incurred by candidates for local elected office; to provide for exceptions; to provide for refunds of certain civil penalties and fees; to provide for legislative findings; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Fleming of the 121st moved that the House adhere to its position in insisting on its substitute to SB 127 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Fleming of the 121st, Hamilton of the 24th and Rynders of the 152nd.

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

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

Representative Taylor of the 79th moved that the House insist on its position in disagreeing to the Senate substitute to HB 520 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Taylor of the 79th, Brockway of the 102nd and Rynders of the 152nd.

HB 72. By Representatives Willard of the 51st, Jones of the 47th, Abrams of the 89th, Cooper of the 43rd, Hugley of the 136th and others:

A BILL to be entitled an Act to amend Title 16, Article 1 of Chapter 8 of Title 17, Chapter 5 of Title 30, and Title 31 of the O.C.G.A., relating to crimes and offenses, general provisions for trial, protection of disabled adults and elder persons, and health, respectively, so as to expand and clarify protection of disabled adults and elder persons; to provide for and revise definitions; to repeal provisions relating to exclusion of evidence obtained during the execution of an inspection warrant; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 16, Article 1 of Chapter 8 of Title 17, Chapter 5 of Title 30, and Title 31 of the Official Code of Georgia Annotated, relating to crimes and offenses, general provisions for trial, protection of disabled adults and elder persons, and health, respectively, so as to expand and clarify protection of disabled adults and elder persons; to provide for and revise definitions; to prohibit private causes of actions or civil remedies pursuant to provisions of the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act"; to provide for venue; to provide for abuse, neglect, and exploitation of disabled adults, elder persons, and residents as a racketeering activity; to provide for priority scheduling of cases when the alleged victim is a disabled adult or elder person; to change provisions relating to reporting abuse, neglect, and exploitation of disabled adults and elder persons; to change provisions relating to inspection of premises pursuant to inspection warrants; to repeal provisions relating to exclusion of evidence obtained during the execution of an inspection warrant; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, so as to revise the Good Samaritan law to provide for damaging property in emergency situations; to amend Code Section 16-3-20 of the Official Code of Georgia Annotated, relating to justification, so as to cross-reference the Good Samaritan law; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in Code Section 16-5-100, relating to definitions for the protection of elder persons, by adding a new paragraph to read as follows:

"(7.1) 'Mentally or physically incapacitated' means an impairment which substantially affects an individual's ability to:

(A) Provide personal protection;

(B) Provide necessities, including but not limited to food, shelter, clothing, medical, or other health care;

(C) Carry out the activities of daily living; or

(D) Manage his or her resources."

SECTION 1-2.

Said title is further amended by revising Code Section 16-5-103, relating to exceptions to criminal liability, as follows:

"16-5-103.

(a) An owner, officer, administrator, board member, employee, or agent of a long-term care facility shall not be held criminally liable for the actions of another person who is convicted pursuant to this article unless such owner, officer, administrator, board member, employee, or agent was a knowing and willful party to or conspirator to the abuse or neglect, as defined in Code Section 30-5-3, or exploitation of a disabled adult, elder person, or resident.

(b) A violation of this article shall not give rise to a private cause of action or civil remedies under subsection (b) or (c) of Code Section 16-14-6 against a long-term care facility or any owner, officer, employee, operator, or manager of such facility. Nothing in this subsection shall limit the criminal or civil remedies available to the state pursuant to state law."

SECTION 1-3.

Said title is further amended by revising Code Section 16-5-104, relating to applicability, and by adding a new Code section to read as follows:

"16-5-104.

For the purpose of venue under this article, any violation of this article shall be considered to have been committed:

(1) In any county in which any act was performed in furtherance of the violation; or

(2) In any county in which any alleged victim resides.

16-5-105.

This article shall be cumulative and supplemental to any other law of this state."

SECTION 1-4.

Said title is further amended in subparagraph (A) of paragraph (9) of Code Section 16-14-3, relating to definitions for the "Georgia RICO (Racketeer Influenced and Corrupt Organizations Act)," by deleting "or" at the end of division (xl), by replacing the period with "; or" at the end of division (xli), and by adding a new division to read as follows:

"(xlii) Article 8 of Chapter 5 of Title 16, relating to protection of elder persons."

SECTION 1-5.

Article 1 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to general provisions for trial, is amended by revising Code Section 17-8-1, relating to cases to be called in the order in which they stand on docket, as follows:

"17-8-1.

(a) The cases on the criminal docket shall be called in the order in which they stand on the docket unless the ~~defendant~~ accused is in jail or, otherwise, in the sound discretion of the court.

(b)(1) As used in this Code section, the terms 'disabled adult' and 'elder person' shall have the same meaning as set forth in Code Section 16-5-100.

(2) When the alleged victim is a disabled adult or elder person, the prosecuting attorney shall notify the accused if it intends to seek preferred scheduling. The notice shall be in writing and shall:

(A) Allege the specific factor or factors that will inhibit a disabled adult from attending or participating in court proceedings if he or she is a disabled adult; or

(B) State the age of the alleged victim if he or she is an elder person.

(3) When notice has been given pursuant to paragraph (2) of this subsection, the court shall set a date for a hearing on the issue within 14 days after the filing of such notice. The court shall consider the matter and if the court determines that preferred scheduling is necessary, the trial shall not be:

(A) Subject to subsection (a) of this Code section; and

(B) Earlier than 30 days from the date of the hearing."

SECTION 1-6.

Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to protection of disabled adults and elder persons, is amended by revising Code Section 30-5-3, relating to definitions, as follows:

"30-5-3.

As used in this chapter, the term:

(1) 'Abuse' means the willful infliction of physical pain, physical injury, sexual abuse, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person.

(2) 'Caretaker' means a person who has the responsibility for the care of a disabled adult or elder person as a result of family relationship, contract, voluntary assumption of that responsibility, or by operation of law.

(3) 'Department' means the Department of Human Services.

(4) 'Director' means the director of the Division of Aging Services of the Department of Human Services, or the director's designee.

(5) 'Disabled adult' means a person 18 years of age or older who is not a resident ~~of a long-term care facility, as defined in Article 4 of Chapter 8 of Title 31~~, but who ~~is~~:

(A) Is mentally or physically incapacitated ~~or has~~;

(B) Has Alzheimer's disease, as defined in Code Section 31-8-180~~, or dementia,~~; or

(C) Has dementia, as defined in Code Section 16-5-100.

(6) 'Elder person' means a person 65 years of age or older who is not a resident ~~of a long-term care facility as defined in Article 4 of Chapter 8 of Title 31~~.

(7) 'Essential services' means social, medical, psychiatric, or legal services necessary to safeguard the disabled adult's or elder person's rights and resources and to maintain the physical and mental well-being of such person. These services shall include, but not be limited to, the provision of medical care for physical and mental health needs, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, and protection from health and safety hazards but shall not include the taking into physical custody of a disabled adult or elder person without that person's consent.

(8) 'Exploitation' means the illegal or improper use of a disabled adult or elder person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one's own or another's profit or advantage.

(9) 'Fiduciary' shall have the same meaning as set forth in Code Section 7-1-4.

(10) 'Financial institution' shall have the same meaning as set forth in Code Section 7-1-4.

(11) 'Investment company' means an individual or a corporation, a partnership, a limited liability corporation, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated that:

(A) Is engaged or proposes to engage in the business of effecting transactions in securities;

(B) Is engaged or proposes to engage in the business of issuing securities, or has been engaged in such business and has any certificates outstanding; or

(C) Is engaged or holds itself out to be in the business of advising others, either directly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities or that, for compensation and as a part of a regular business, issues or promulgates analysis or reports concerning securities.

(12) 'Long-term care facility' shall have the same meaning as set forth in Code Section 31-8-81.

(13) 'Mentally or physically incapacitated' means an impairment which substantially affects an individual's ability to:

(A) Provide personal protection;

(B) Provide necessities, including but not limited to food, shelter, clothing, medical, or other health care;

(C) Carry out the activities of daily living; or

(D) Manage his or her resources.

~~(9)~~(14) 'Neglect' means the absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a disabled adult or elder person.

~~(10)~~(15) 'Protective services' means services necessary to protect a disabled adult or elder person from abuse, neglect, or exploitation. Such services shall include, but not be limited to, evaluation of the need for services and mobilization of essential services on behalf of a disabled adult or elder person.

(16) 'Resident' shall have the same meaning as set forth in Code Section 31-8-81.

(17) 'Security' shall have the same meaning as set forth in Code Section 10-5-2.

~~(11)~~(18) 'Sexual abuse' means the coercion for the purpose of self-gratification by a guardian or other person supervising the welfare or having immediate charge, control, or custody of a disabled adult or elder person to engage in any of the following conduct:

(A) Lewd exhibition of the genitals or pubic area of any person;

(B) Flagellation or torture by or upon a person who is unclothed or partially unclothed;

(C) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is unclothed or partially clothed unless physical restraint is medically indicated;

(D) Physical contact in an act of sexual stimulation or gratification with any person's unclothed genitals, pubic area, or buttocks or with a female's nude breasts;

(E) Defecation or urination for the purpose of sexual stimulation of the viewer; or

(F) Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure."

SECTION 1-7.

Said chapter is further amended by revising subparagraph (a)(1)(B) and subsections (b) and (c) of Code Section 30-5-4, relating to reporting of need for protective services, as follows:

"(B) Any employee of a financial institution~~, as defined in Code Section 7-1-4,~~ or investment company having reasonable cause to believe that a disabled adult or elder person has been exploited shall report or cause reports to be made in accordance with the provisions of this Code section; provided, however, that this obligation shall not apply to any employee of a financial institution or investment company while that employee is acting as a fiduciary, ~~as defined in Code Section 7-1-4,~~ but only for such assets that the employee is holding or managing in a fiduciary capacity."

"(b)(1)(A) A report that a disabled adult or elder person ~~who is not a resident of a long-term care facility as defined in Code Section 31-8-81~~ is in need of protective services or has been the victim of abuse, neglect, or exploitation shall be made to an adult protection agency providing protective services as designated by the department and to an appropriate law enforcement agency or prosecuting attorney. If a report of a disabled adult or elder person abuse, neglect, or exploitation is made to an adult protection agency or independently discovered by the agency, then the agency shall immediately ~~notify the appropriate law enforcement agency or prosecuting attorney~~ make a reasonable determination based on available information as to whether the incident alleges actions by an individual, other than the disabled adult or elder person, that constitute a crime and include such information in their report. If a crime is suspected, the report shall immediately be forwarded to the appropriate law enforcement agency or prosecuting attorney. During an adult protective agency's investigation, it shall be under a continuing obligation to immediately report the discovery of any evidence that may constitute a crime.

(B) If the disabled adult or ~~elder person is a resident of a long-term care facility as defined in Code Section 31-8-81~~ person is 65 years of age or older and is a resident, a report shall be made in accordance with Article 4 of Chapter 8 of Title 31. If a report made in accordance with the provisions of this Code section alleges that the

abuse or exploitation occurred within a long-term care facility, such report shall be investigated in accordance with Articles 3 and 4 of Chapter 8 of Title 31.

(2) Reporting required by subparagraph (A)(1) of this subsection ~~The report~~ may be made by oral or written communication. Such ~~The~~ report shall include the name and address of the disabled adult or elder person and should include the name and address of the disabled adult's or elder person's caretaker, the age of the disabled adult or elder person, the nature and extent of the disabled adult's or elder person's injury or condition resulting from abuse, exploitation, or neglect, and other pertinent information.

(3) When a report of a disabled adult's or elder person's abuse, neglect, or exploitation is originally reported to ~~All such reports prepared by~~ a law enforcement agency, it shall be forwarded by such agency to the director or his or her designee within 24 hours of receipt.

(c) Anyone who makes a report pursuant to this chapter, who testifies in any judicial proceeding arising from the report, who provides protective services, or who participates in a required investigation under the provisions of this chapter shall be immune from any civil liability or criminal ~~liability~~ prosecution on account of such report or testimony or participation, unless such person acted in bad faith, with a malicious purpose, or was a party to such crime or fraud. Any financial institution~~, as defined in Code Section 7-1-4~~ or investment company, including without limitation officers and directors thereof, that is an employer of anyone who makes a report pursuant to this chapter in his or her capacity as an employee, or who testifies in any judicial proceeding arising from a report made in his or her capacity as an employee, or who participates in a required investigation under the provisions of this chapter in his or her capacity as an employee, shall be immune from any civil liability or criminal ~~liability~~ prosecution on account of such report or testimony or participation of its employee, unless such financial institution or investment company knew or should have known that the employee acted in bad faith or with a malicious purpose and failed to take reasonable and available measures to prevent such employee from acting in bad faith or with a malicious purpose. The immunity described in this subsection shall apply not only with respect to the acts of making a report, testifying in a judicial proceeding arising from a report, providing protective services, or participating in a required investigation but also shall apply with respect to the content of the information communicated in such acts."

SECTION 1-8.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising paragraph (2) of subsection (a) of Code Section 31-2-9, relating to record check requirements for certain facilities, as follows:

"(2) 'Crime' means commission of the following offenses:

(A) A violation of Code Section 16-5-1;

(B) A violation of Code Section 16-5-21~~, relating to aggravated assault~~;

(C) A violation of Code Section 16-5-24~~, relating to aggravated battery~~;

(D) A violation of Code Section 16-5-70~~, relating to cruelty to children~~;
(E) A violation of Article 8 of Chapter 5 of Title 16;
(F) A violation of Code Section 16-6-1~~, relating to rape~~;
(G) A violation of Code Section 16-6-2~~, relating to aggravated sodomy~~;
(H) A violation of Code Section 16-6-4~~, relating to child molestation~~;
(I) A violation of Code Section 16-6-5~~, relating to enticing a child for indecent purposes~~;
(J) A violation of Code Section 16-6-5.1~~, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions~~;
(K) A violation of Code Section 16-6-22.2~~, relating to aggravated sexual battery~~;
(L) A violation of Code Section 16-8-41;
(M) A felony violation of Code Section 31-7-12.1;
~~(M)~~(N) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere; or
~~(N)~~(O) Any other criminal offense as determined by the department and established by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' that would indicate the unfitness of an individual to provide care to or be in contact with persons residing in a facility."

SECTION 1-9.

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

"31-2-13.

(a) As used in this Code section, the term 'commissioner' means the commissioner of community health or his or her designee.

(b) Nothing in this Code section shall be construed to require an inspection warrant when a warrantless inspection is authorized by law or pursuant to a rule or regulation enacted pursuant to this title.

(c) An inspection warrant is an order, in writing, signed by a judicial officer, directed to the commissioner or any person authorized to make inspections for such commissioner and commanding him or her to conduct an inspection required or authorized by:

(1) This title;
(2) Any other law administered by the commissioner;
(3) Rules or regulations promulgated pursuant to this title; or
(4) Rules or regulations promulgated pursuant to any other law administered by the commissioner.

(d) The commissioner or any person authorized to make inspections for such commissioner shall make application for an inspection warrant to a person who is a judicial officer within the meaning of Code Section 17-5-21.

(e)(1) An inspection warrant shall be issued only upon cause and when supported by an affidavit which:

(A) Particularly describes the place, dwelling, structure, premises, or vehicle to be inspected;

(B) Particularly describes the purpose for which the inspection is to be made; and

(C) Contains either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

(2) Cause to support the issuance of an inspection warrant shall be deemed to exist if:

(A) Reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle; or

(B) There is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.

(f) An inspection warrant shall be effective for the time specified therein, but not for a period of more than 14 days, unless extended or renewed by the judicial officer who signed and issued the original warrant, upon satisfaction that such extension or renewal is in the public interest. Such inspection warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in such warrant or within the extended or renewed time. After the expiration of such time, the inspection warrant, unless executed, shall be void.

(g) An inspection pursuant to an inspection warrant:

(1) May be executed at any time as deemed appropriate by the individual executing such warrant but whenever possible shall be made at any time during operating or regular business hours;

(2) Should not be performed in the absence of an owner or occupant of the particular place, dwelling, structure, premises, or vehicle being inspected unless specifically authorized by the judicial officer upon a showing that such authority is reasonably necessary to effectuate the purpose of the law, rule, or regulation being enforced; and

(3) Shall not be made by means of forcible entry, except that the judicial officer may expressly authorize a forcible entry when facts are shown:

(A) Which are sufficient to create a reasonable suspicion of a violation of this title or any other law, rule, or regulation administered by the commissioner or the department, which, if such violation existed, would be an immediate threat to health or safety; or

(B) Establishing that a reasonable attempt to serve a previous inspection warrant has been unsuccessful.

(h) When prior consent for an inspection has been sought and refused and an investigation warrant has been issued, an inspection warrant may be executed without further notice to the owner or occupant of the particular place, dwelling, structure, premises, or vehicle being inspected.

(i) It shall be unlawful for any owner, operator, or employee of the particular place, dwelling, structure, premises, or vehicle being inspected to refuse to allow an inspection pursuant to an inspection warrant issued as provided in this Code section. Any person violating this Code section shall be guilty of a misdemeanor."

SECTION 1-10.

Chapter 5 of Title 31 of the Official Code of Georgia Annotated, relating to administration and enforcement, is amended by revising subsection (b) of Code Section 31-5-10, relating to notifying department or board of health of conditions on private property which are injurious to the public and inspection warrants, as follows:

"(b) Any person who knows or suspects that a condition exists on private property, which condition is injurious to the public health, safety, or comfort, shall immediately notify the ~~department~~ Department of Public Health or the county board of health. Upon receiving such notice, the department or the county board of health shall be authorized to obtain an inspection warrant as provided in Code Section 31-5-21. If the department or the county board of health determines that there exists a condition which is injurious to the public health, safety, or comfort, the department or county board of health shall, by registered or certified mail or statutory overnight delivery with return receipt requested, notify the occupants of the property and, if different from the occupant, the person, firm, or corporation which owns the property. Notice to the owner shall be sent to the address shown on the county or municipal property tax records."

SECTION 1-11.

Said title is further amended by revising Code Section 31-5-20, relating to "inspection warrant" defined, as follows:

"31-5-20.

As used in this ~~chapter~~ article, the term 'inspection warrant' means a warrant authorizing a search or inspection of private property where such a search or inspection is one that is necessary for the enforcement of any of the provisions of laws authorizing licensure, inspection, or regulation by the Department of Public Health or a local agency thereof ~~or by the Department of Community Health~~."

SECTION 1-12.

Said title is further amended by revising Code Section 31-5-21, relating to persons who may obtain inspection warrants, as follows:

"31-5-21.

The commissioner ~~or the commissioner of community~~ of public health or his or her delegate or the director of any county board of health, in addition to other procedures now or hereafter provided, may obtain an inspection warrant under the conditions specified in this chapter. Such warrant shall authorize the commissioner ~~or the commissioner~~ of ~~community~~ public health or the director of any county board of health, or the agents of any, or the Department of Agriculture, as appropriate, to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, if such search or inspection is one that is elsewhere authorized under the rules and regulations duly promulgated under this title or any provision of law which authorizes licensure, inspection, or regulation by the Department of Public Health or a local agency thereof ~~or by the Department of Community Health~~."

SECTION 1-13.

Said title is further amended by revising Code Section 31-5-24, relating to excluding evidence, as follows:

"~~31-5-24.~~

~~No facts discovered or evidence obtained in an inspection conducted under authority of an inspection warrant issued pursuant to this chapter shall be competent as evidence in any criminal proceeding against any party.~~"

PART II
SECTION 2-1.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, is amended by revising Code Section 51-1-29, relating to liability of persons rendering emergency care, as follows:

"51-1-29.

(a) Any person, including any person licensed to practice medicine and surgery pursuant to Article 2 of Chapter 34 of Title 43 and ~~including~~ any person licensed to render services ancillary thereto, who in good faith renders emergency care at the scene of an accident or emergency to the ~~victim or~~ victims thereof without making any charge therefor shall not be liable for any civil damages as a result of any act or omission by such person in rendering emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person.

(b) As used in this Code section, the term 'emergency care' shall include, but shall not be limited to, the rescue or attempted rescue of an incapacitated or endangered individual from a locked motor vehicle."

SECTION 2-2.

Code Section 16-3-20 of the Official Code of Georgia Annotated, relating to justification, is amended by revising paragraph (5) as follows:

"(5) When the person's conduct is justified for any other reason under the laws of this state, including as provided in Code Section 51-1-29; or"

PART III
SECTION 3-1.

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

The following amendment was read:

Representative Willard of the 51st offers the following amendment:

Amend the Senate substitute to HB 72 (LC 29 6648ERS) by inserting after "warrant;" *on line 12 the following:*

to amend Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of AIDS confidential information, so as to change provisions relating to disclosure of such information under certain circumstances; to provide for procedure;

By inserting between lines 358 and 359 the following:

PART IA
SECTION 1A-1.

Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of AIDS confidential information, is amended in paragraph (1) of subsection (s) by deleting "or" at the end of subparagraph (A) and adding a new subparagraph (C) to read as follows:

"(C) Is suspected of being mentally ill and is the subject of an order issued pursuant to Code Section 37-3-41 when the court issuing such order finds in an in camera hearing by clear and convincing evidence a compelling need for the information which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests. If the court determines that disclosure of that information is authorized under this subparagraph, the court shall order that disclosure and impose appropriate safeguards against any unauthorized disclosure. The records of that hearing otherwise shall be under seal; or"

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	Y Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
N Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	N Spencer
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	Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
N Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Jackson	N Pezold	Y Tanner
Y Beskin	N Dunahoo	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
N Brockway	Y Efstration	Y Jones, J.B.	N Pruett	N Teasley
Y Brooks	Y Ehrhart	Y Jones, L	N Quick	Thomas, A.M.
Y Bruce	Y England	Y Jones, S	N Raffensperger	Thomas, E
Y Bryant	Y Epps	Jordan	Rakestraw	Y Trammell

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

On the adoption of the amendment, the ayes were 133, nays 27.

The amendment was adopted.

Representative Willard of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 72.

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

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

Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
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	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 143, nays 21.

The motion prevailed.

HB 192. By Representatives Powell of the 32nd and Taylor of the 79th:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide that elected officials of counties, municipal corporations, school districts, and consolidated governments shall be reimbursed for expenses only through the submission of expense reimbursement requests; to prohibit an elected official of a county, municipal corporation, school district, or consolidated government from being issued or authorized to use a government purchasing card or government credit card; to provide for the promulgation of certain policies; to provide for access to certain records; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide for certain powers for certain local authorities; to provide a definition; to make certain findings; 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 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, is amended by adding a new Code section to read as follows:

"36-80-24.
(a) As used in this Code section, the term 'project' means and includes hospitals, health care facilities, dormitories, office buildings, clinics, housing accommodations, nursing homes, rehabilitation centers, extended care facilities, and other health related facilities, whether public or private.
(b) To the extent that the Constitution of Georgia permits the General Assembly by law to further define the powers and duties of any local government authority, as defined in Code Section 36-80-16, whose purpose includes the public purpose of developing or promoting trade, commerce, or industry, and to enlarge or restrict the same, each such local government authority is authorized and shall have the power to finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds of such a local government authority or any other funds of such local government authority, or from any contributions or loans by persons, corporations, limited or general partnerships, or other entities, all of which such a local government authority is authorized to receive, accept, and use. To the extent that any project serves a governmental function, the General Assembly finds and determines that such a project by its nature comprises both public and private components that are integrated so as to produce the desired public purpose and that therefore carrying out such a project is proper and authorized for such a local government authority under the Constitution of Georgia."

SECTION 2.

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

The following amendment was read and adopted:

Representative Powell of the 32nd offers the following amendment:

Amend HB 192 (LC 28 7666S) by striking lines 1 through 33 and inserting in lieu thereof the following:

To amend Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to illegal use of financial transaction cards, so as to revise definitions; to provide for the prosecution of the unlawful use of government purchasing cards; to provide for venue; to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide for the limitation and regulation of the use of government purchasing cards and government credit cards by elected officials of counties, municipal corporations, local school systems, and consolidated governments; to provide for the promulgation of certain policies; to provide for access to certain records; to provide for certain powers for certain local authorities; to provide a definition; to make

certain findings; 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 9 of Title 16 of the Official Code of Georgia Annotated, relating to illegal use of financial transaction cards, is amended by revising Code Section 16-9-30, relating to definitions, as follows:

"16-9-30.

As used in this article, the term:

(1) 'Acquirer' means a business organization, government, financial institution, or an agent of a business organization, government, or financial institution that authorizes a merchant to accept payment by financial transaction card for money, goods, services, or anything else of value.

(2) 'Automated banking device' means any machine which when properly activated by a financial transaction card and personal identification code may be used for any of the purposes for which a financial transaction card may be used.

(3) 'Cardholder' means the person, government, or organization ~~named on the face of a financial transaction card~~ to whom or for whose benefit the financial transaction card is issued by an issuer.

(4) 'Expired financial transaction card' means a financial transaction card which is no longer valid because the term for which it was issued has elapsed.

(5) 'Financial transaction card' or 'FTC' means any instrument or device, whether known as a credit card, credit plate, bank services card, banking card, check guarantee card, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder:

(A) In obtaining money, goods, services, or anything else of value;

(B) In certifying or guaranteeing to a person or business the availability to the cardholder of funds on deposit that are equal to or greater than the amount necessary to honor a draft or check payable to the order of such person or business; or

(C) In providing the cardholder access to a demand deposit account, savings account, or time deposit account for the purpose of:

(i) Making deposits of money or checks therein;

(ii) Withdrawing funds in the form of money, money orders, or traveler's checks therefrom;

(iii) Transferring funds from any demand deposit account, savings account, or time deposit account to any other demand deposit account, savings account, or time deposit account;

(iv) Transferring funds from any demand deposit account, savings account, or time deposit account to any credit card accounts, overdraft privilege accounts, loan accounts, or any other credit accounts in full or partial satisfaction of any outstanding balance owed existing therein;

(v) For the purchase of goods, services, or anything else of value; or

(vi) Obtaining information pertaining to any demand deposit account, savings account, or time deposit account.

(5.1) 'Financial transaction card account number' means a number, numerical code, alphabetical code, or alphanumeric code assigned by the issuer to a particular financial transaction card and which identifies the cardholder's account with the issuer.

(5.2) 'Government' means:

(A) Every state department, agency, board, bureau, commission, and authority;

(B) Every county, municipal corporation, school system, or other political subdivision of this state;

(C) Every department, agency, board, bureau, commission, authority, or similar body of each such county, municipal corporation, school system, or other political subdivision of this state; and

(D) Every city, county, regional, or other authority established pursuant to the laws of this state.

(6) 'Issuer' means the business organization or financial institution or its duly authorized agent which issues a financial transaction card.

(7) 'Personal identification code' means a numeric or alphabetical code, signature, photograph, fingerprint, or any other means of electronic or mechanical confirmation used by the cardholder of a financial transaction card to permit authorized electronic use of that financial transaction card.

(8) 'Presenting' means those actions taken by a cardholder or any person to introduce a financial transaction card into an automated banking device with or without utilization of a personal identification code or merely displaying or showing, with intent to defraud, a financial transaction card to the issuer or to any person or organization providing money, goods, services, or anything else of value or to any other entity.

(8.1) 'Purchasing card,' 'PCard,' or 'P-Card' means a type of financial transaction card allowing persons, governments, or business organizations to use financial transaction infrastructure.

(9) 'Receives' or 'receiving' means acquiring possession of or control of or accepting a financial transaction card as security for a loan.

(10) 'Revoked financial transaction card' means a financial transaction card which is no longer valid because permission to use it has been suspended or terminated by the issuer."

SECTION 2.

Said article is further amended by revising Code Section 16-9-33, relating to financial transaction card fraud, as follows:

"16-9-33.

(a) A person commits the offense of financial transaction card fraud when, with intent to defraud the issuer; a person or organization providing money, goods, services, or anything else of value; or any other person; or cardholder, ~~he~~ such person:

(1) Uses for the purpose of obtaining money, goods, services, or anything else of value:

(A) A financial transaction card obtained or retained or which was received with knowledge that it was obtained or retained in violation of Code Section 16-9-31 or 16-9-32;

(B) A financial transaction card which he or she knows is forged, altered, expired, revoked, or was obtained as a result of a fraudulent application in violation of subsection (d) of this Code section; or

(C) The financial transaction card account number of a financial transaction card which he or she knows has not in fact been issued or is forged, altered, expired, revoked, or was obtained as a result of a fraudulent application in violation of subsection (d) of this Code section;

(2) Obtains money, goods, services, or anything else of value by:

(A) Representing without the consent of the cardholder that he or she is the holder of a specified card;

(B) Presenting the financial transaction card without the authorization or permission of the cardholder or issuer;

(C) Falsely representing that he or she is the holder of a card and such card has not in fact been issued; or

(D) Giving, orally or in writing, a financial transaction card account number to the provider of the money, goods, services, or other thing of value for billing purposes without the authorization or permission of the cardholder or issuer for such use;

(3) Obtains control over a financial transaction card as security for debt;

(4) Deposits into his or her account or any account by means of an automated banking device a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other such document not his or her lawful or legal property; or

(5) Receives money, goods, services, or anything else of value as a result of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other such document having been deposited into an account via an automated banking device, knowing at the time of receipt of the money, goods, services, or item of value that the document so deposited was false, fictitious, forged, altered, or counterfeit or that the above-deposited item was not his lawful or legal property.

(b) A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a financial transaction card by the cardholder or any agent or employee of such person commits the offense of financial transaction card fraud when, with intent to defraud the issuer or the cardholder, he or she:

(1) Furnishes money, goods, services, or anything else of value upon presentation of a financial transaction card obtained or retained in violation of Code Section 16-9-31 or a financial transaction card which he or she knows is forged, expired, or revoked;

(2) Alters a charge ticket or purchase ticket to reflect a larger amount than that approved by the cardholder; or

(3) Fails to furnish money, goods, services, or anything else of value which he or she represents in writing to the issuer that he or she has furnished.

(c) Conviction of the offense of financial transaction card fraud as provided in subsection (a) or (b) of this Code section is punishable as provided in subsection (a) of Code Section 16-9-38 if the value of all money, goods, services, and other things of value furnished in violation of this Code section or if the difference between the value actually furnished and the value represented to the issuer to have been furnished in violation of this Code section does not exceed $100.00 in any six-month period. Conviction of the offense of financial transaction card fraud as provided in subsection (a) or (b) of this Code section is punishable as provided in subsection (b) of Code Section 16-9-38 if such value exceeds $100.00 in any six-month period.

(d) A person commits the offense of financial transaction card fraud when, upon application for a financial transaction card to an issuer, he or she knowingly makes or causes to be made a false statement or report relative to his or her name, occupation, employer, financial condition, assets, or liabilities or willfully and substantially overvalues any assets or willfully omits or substantially undervalues any indebtedness for the purpose of influencing the issuer to issue a financial transaction card. Financial transaction card fraud as provided in this subsection is punishable as provided in subsection (b) of Code Section 16-9-38.

(e) A cardholder commits the offense of financial transaction card fraud when he or she willfully, knowingly, and with an intent to defraud the issuer; a person or organization providing money, goods, services, or anything else of value; or any other person submits verbally or in writing to the issuer or any other person any false notice or report of the theft, loss, disappearance, or nonreceipt of his or her financial transaction card and personal identification code. Conviction of the offense of financial transaction card fraud as provided in this subsection is punishable as provided in subsection (b) of Code Section 16-9-38.

(f) A person authorized by an acquirer to furnish money, goods, services, or anything else of value upon presentation of a financial transaction card or a financial transaction card account number by a cardholder or any agent or employee of such person, who, with intent to defraud the issuer, acquirer, or cardholder, remits to an issuer or acquirer, for payment, a financial transaction card record of a sale, which sale was not made by such person, agent, or employee, commits the offense of financial transaction card fraud. Conviction of the offense of financial transaction card fraud as provided in this subsection shall be punishable as provided in subsection (b) of Code Section 16-9-38.

(g) ~~In any prosecution for violation of this Code section, the state is not required to establish that all of the acts constituting the crime occurred in this state or within one city, county, or local jurisdiction, and it is no defense that some of the acts constituting~~

~~the crime did not occur in this state or within one city, county, or local jurisdiction. Except as otherwise provided by Code Section 17-2-2, for purposes of venue the crime defined by this Code section shall be considered as having been committed in the county where the commission of the crime commenced~~ Reserved.

(h) For purposes of this Code section, revocation shall be construed to include either notice given in person or notice given in writing to the person to whom the financial transaction card and personal identification code was issued. Notice of revocation shall be immediate when notice is given in person. The sending of a notice in writing by registered or certified mail or statutory overnight delivery in the United States mail, duly stamped and addressed to such person at his or her last address known to the issuer, shall be prima-facie evidence that such notice was duly received after seven days from the date of deposit in the mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada, notice shall be presumed to have been received ten days after mailing by registered or certified mail or statutory overnight delivery."

SECTION 3.

Said article is further amended by revising Code Section 16-9-37, relating to unauthorized use of financial transaction card, as follows:

"16-9-37.

(a) Any person who has been issued or entrusted with a financial transaction card for specifically authorized purposes, provided such authorization is in writing stating a maximum amount charges that can be made with the financial transaction card, and who uses the financial transaction card in a manner and for purposes not authorized in order to obtain or purchase money, goods, services, or anything else of value shall be punished as provided in subsection (a) of Code Section 16-9-38.

(b) Any person who has been issued or entrusted with a financial transaction card by a government for specifically limited and specifically authorized purposes, provided such limitations and authorizations are in writing, and who uses the financial transaction card in a manner and for purposes not authorized shall be punished as provided in subsection (b) of Code Section 16-9-38."

SECTION 4.

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

"16-9-40.

(a) In any prosecution for a violation of this article, the state is not required to establish that all of the acts constituting the crime occurred in this state or within one city, county, or local jurisdiction, and it is no defense that some of the acts constituting the crime did not occur in this state or within one city, county, or local jurisdiction. Except as otherwise provided by Code Section 17-2-2, for purposes of venue, the crime defined by this Code section shall be considered as having been committed in the county where the commission of the crime commenced.

(b) In any prosecution for a violation of this article by a public official or government employee, using government funds or a financial transaction card issued to such official or government employee by or on behalf of government, the crime shall be considered to have been committed in the county in which such public official holds office or such government employee is employed."

SECTION 5.

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, is amended by adding a new Code section to read as follows:

"36-80-24.

(a) An elected official of a county, municipal corporation, local school system, or consolidated government shall be prohibited from the use of a government purchasing card or a government credit card unless:

(1) Such purchases are solely for items or services that directly relate to such official's public duties; and

(2) Such purchases are in accordance with guidelines adopted by the county, municipal corporation, local school system, or consolidated government.

(b) Documents related to such purchases incurred by such elected officials shall be available for public inspection.

(c) No such county, municipal corporation, local school system, or consolidated government shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016, until the governing authority of such county, municipal corporation, local school system, or consolidated government, by public vote, has authorized such issuance and has promulgated specific policies regarding the use of such government purchasing cards or government credit cards for elected officials of such county, municipal corporation, local school system, or consolidated government. Such policies shall include the following:

(1) Designation of officials who shall be authorized to be issued such government purchasing cards or government credit cards;

(2) A requirement that, before being issued a government purchasing card or government credit card, authorized users shall sign and accept an agreement with the county, municipal corporation, local school system, or consolidated government issuing the government purchasing card or government credit card that such users will use such cards only in accordance with the policies of the issuing governmental entity;

(3) Transaction limits for the use of such cards;

(4) A description of purchases that shall be authorized for use of such cards;

(5) A description of purchases that shall not be authorized for use of such cards;

(6) Designation of a government purchasing card or government credit card administrator;

(7) A process for auditing and reviewing purchases made with such cards; and

(8) Procedures for addressing a violation of such purchasing card or credit card policies and imposing penalties for violations including, but not limited to, revocation of purchasing card or credit card privileges. Nothing in such procedures or any administrative action taken pursuant thereto shall preclude any other civil or criminal remedy under any other provision of law."

SECTION 6.

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

"36-80-25.

(a) As used in this Code section, the term 'project' means and includes hospitals, health care facilities, dormitories, office buildings, clinics, housing accommodations, nursing homes, rehabilitation centers, extended care facilities, and other health related facilities, whether public or private.

(b) To the extent that the Constitution of Georgia permits the General Assembly by law to further define the powers and duties of any local government authority, as defined in Code Section 36-80-16, whose purpose includes the public purpose of developing or promoting trade, commerce, or industry, and to enlarge or restrict the same, each such local government authority is authorized and shall have the power to finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds of such a local government authority or any other funds of such local government authority, or from any contributions or loans by persons, corporations, limited or general partnerships, or other entities, all of which such a local government authority is authorized to receive, accept, and use. To the extent that any project serves a governmental function, the General Assembly finds and determines that such a project by its nature comprises both public and private components that are integrated so as to produce the desired public purpose and that therefore carrying out such a project is proper and authorized for such a local government authority under the Constitution of Georgia."

SECTION 7.

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

Representative Powell of the 32nd moved that the House agree to the Senate substitute, as amended by the House, to HB 192.

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

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

Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Y 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 LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	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	E 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 motion, the ayes were 167, nays 0.

The motion prevailed.

HB 279. By Representatives Powell of the 171st, Abrams of the 89th, Fleming of the 121st, Oliver of the 82nd, Willard of the 51st and others:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost-of-living adjustments, so as to repeal provisions relating to the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges and district attorneys; to enact provisions relating to the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges and district attorneys; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15, Article 2 of Chapter 12 of Title 17, and Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to courts, public defenders, and annual salaries of certain state officials, respectively, so as to provide daily expense allowances to Supreme Court Justices and Court of Appeals Judges in certain circumstances; to change provisions relating to the compensation of superior court judges, district attorneys, circuit public defenders, Supreme Court Justices, and Court of Appeals Judges; to provide for accountability court salary supplements for judicial officers serving in circuits with drug court, mental health court, and veterans court divisions; to change provisions relating to county salary supplements for superior court judges, district attorneys, and circuit public defenders; to provide for a fourth judge of the superior courts of the Western Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of such judge; to prescribe the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia and the counties comprising said circuit; to provide for the selection of a chief judge; to authorize the judges of such circuit to divide and allocate the work and duties thereof; to provide for the manner of impaneling jurors; to provide for an additional court reporter for such circuit; to authorize the governing authority of the counties that comprise the Western Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for such judges; to declare inherent authority; to create the Judicial, District Attorney, and Circuit Public Defender Compensation Commission; to provide for the purpose, membership, terms, chairperson, other officers, committees, staffing, and funding for the commission; to provide for meetings and members' expenses; to provide for the duties, powers, reporting, and responsibilities of the commission; to provide for automatic repeal of the commission; to provide for related matters; to provide for a contingent effective date and effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding a new paragraph to subsection (b) of Code Section 15-2-3, relating to oath of Justices and compensation, as follows:

"(3) If a Justice resides 50 miles or more from the judicial building in Atlanta, such Justice shall also receive the same daily expense allowance as members of the General Assembly receive, as set forth in Code Section 28-1-8, for not more than 30 days during each term of court. Such days shall be utilized only when official court

business is being conducted. All allowances provided for in this paragraph shall be paid upon the submission of proper vouchers."

SECTION 1-2.

Said title is further amended by adding a new paragraph to subsection (b) of Code Section 15-3-5, relating to oath of Judges and compensation, to read as follows:

"(3) If a Judge resides 50 miles or more from the judicial building in Atlanta, such Judge shall also receive the same daily expense allowance as members of the General Assembly receive, as set forth in Code Section 28-1-8, for not more than 30 days during each term of court. Such days shall be utilized only when official court business is being conducted. All allowances provided for in this paragraph shall be paid upon the submission of proper vouchers."

SECTION 1-3.

Said title is further amended by revising subsections (a) and (b) of Code Section 15-6-29, relating to the salary of superior court judges, as follows:

"(a) The annual salary of the judges of the superior courts shall be as provided in Code Section 45-7-4 and may be as provided in Code Section 15-6-29.1. The annual salary provided by Code Section 45-7-4 shall be paid by The Council of Superior Court Judges of Georgia in 12 equal monthly installments.

(b) The annual salary ~~so fixed~~ shall be the total compensation to be paid by the state to the superior court judges and shall be in lieu of any and all other amounts to be paid from The Council of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-29.1, 15-6-30, and 15-6-32."

SECTION 1-4.

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

"15-6-29.1.

(a) Whenever a circuit has implemented a drug court division, mental health court division, or veterans court division, then on and after January 1, 2016, the state shall pay each superior court judge in such circuit an annual accountability court supplement of $6,000.00. Such supplement shall be paid from state funds by The Council of Superior Court Judges of Georgia in equal monthly installments as regular compensation.

(b) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a superior court judge's salary, the accountability court salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government.

(c) Notwithstanding subsection (c) of Code Section 15-6-29, on and after January 1, 2016, no county or counties comprising the circuit shall increase an aggregate county salary supplement paid to a superior court judge, if such supplement is $50,000.00 or more."

SECTION 1-5.

Said title is further amended by revising Code Section 15-18-10, relating to compensation of district attorneys, as follows:

"15-18-10.

(a) Each district attorney shall receive an annual salary from state funds as prescribed by law. Such salary shall be paid as provided in Code ~~Section~~ Sections 15-18-10.1 and 15-18-19.

(b) The county or counties comprising the judicial circuit may supplement the salary of the district attorney in such amount as is or may be authorized by local Act or in such amount as may be determined by the governing authority of such county or counties, whichever is greater.

(c) ~~All fees, fines, forfeitures, costs, and commissions formerly allowed district attorneys for their services as district attorney or as solicitor of any other court shall become the property of the county in which the services of the district attorney were rendered.~~ The clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments and remit the same to the county treasury by the fifteenth day of each month.

(d) No district attorney receiving an annual salary under this Code section shall engage in the private practice of law."

SECTION 1-6.

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

"15-18-10.1.

(a) Whenever a circuit has implemented a drug court division, mental health court division, or veterans court division, then on and after January 1, 2016, the state shall pay the district attorney in such circuit an annual accountability court supplement of $6,000.00. Such supplement shall be paid from state funds by the Prosecuting Attorneys' Council of the State of Georgia in equal monthly installments as regular compensation.

(b) Notwithstanding Code Sections 15-18-14 and 15-18-14.2, the accountability court salary supplement paid pursuant to this Code section shall not be included in any calculation of compensation paid to assistant district attorneys or victim assistance coordinators that is measured as a percentage of a district attorney's salary.

(c) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a district attorney's salary, the accountability court salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government.

(d) Notwithstanding subsection (b) of Code Section 15-18-10 and Code Section 15-18-19, on or after January 1, 2016, no county or counties comprising the circuit shall increase an aggregate county salary supplement paid to the district attorney or a state-paid position appointed pursuant to this article, if such supplement is $50,000.00 or more."

SECTION 1-7.

Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to public defenders, is amended by revising subsection (a) of Code Section 17-12-25, relating to the salary of the public defender, as follows:

"(a) Each circuit public defender shall receive an annual salary of ~~$87,593.58~~ $99,526.00, and cost-of-living adjustments may be given by the General Assembly in the General Appropriations Act by a percentage not to exceed the average percentage of the general increase in salary as may from time to time be granted to employees of the executive, judicial, and legislative branches of government; provided, however, that any increase for such circuit public defender shall not include within-grade step increases for which classified employees as defined by Code Section 45-20-2 are eligible. Any increase granted pursuant to this subsection shall become effective at the same time that funds are made available for the increase for such employees. The Office of Planning and Budget shall calculate the average percentage increase. Each circuit public defender may also be entitled to an accountability court salary supplement as set forth in Code Section 17-12-25.1."

SECTION 1-8.

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

"17-12-25.1.

(a) Whenever a circuit has implemented a drug court division, mental health court division, or veterans court division, then on and after January 1, 2016, the state shall pay the circuit public defender in such circuit an annual accountability court supplement of $6,000.00. Such supplement shall be paid from state funds by the Georgia Public Defender Standards Council in equal monthly installments as regular compensation.

(b) Notwithstanding Code Sections 17-12-27 and 17-12-28, the accountability court salary supplement paid pursuant to this Code section shall not be included in any calculation of compensation paid to assistant circuit public defenders or investigators that is measured as a percentage of a circuit public defender's salary.

(c) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a circuit public defender's salary, the accountability court salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government.

(d) Notwithstanding subsection (b) of Code Section 17-12-25 and Code Section 17-12-30, on and after January 1, 2016, no county or counties comprising the circuit shall increase an aggregate county salary supplement paid to the circuit public defender or a state-paid position appointed pursuant to this article, if such supplement is $50,000.00 or more."

SECTION 1-9.

Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost-of-living adjustments, is amended by revising paragraphs (18) through (21) of subsection (a) as follows:

"(18) Each Justice of the Supreme Court 175,600.00
~~139,418.00~~

(19) Each Judge of the Court of Appeals 174,500.00
~~138,556.00~~

(20) Each superior court judge 126,265.00
~~99,862.00~~

~~Each superior court judge shall also receive any supplement paid to such judge by the county or counties of such judge's judicial circuit as may be provided for by law. Each superior court judge shall also receive reimbursement of travel expenses as provided by law.~~

(21) Each district attorney 120,072.00
~~107,905.00~~

~~Each district attorney shall also receive any supplement paid to such district attorney by the county or counties of such district attorney's judicial circuit as may be provided for by law. Each district attorney shall also receive reimbursement of travel expenses as provided by law.~~"

PART II
SECTION 2-2.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior courts, is amended by revising paragraph (42) as follows:

"(42) Western Circuit ~~3~~ 4"

SECTION 2-2.

One additional judge of the superior courts is added to the Western Judicial Circuit, thereby increasing to four the number of judges of said circuit.

SECTION 2-3.

Said additional judge shall be appointed by the Governor for a term beginning April 1, 2016, and continuing through December 31, 2018, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2018, for a term of four years beginning on January 1, 2019, and until his or her successor is elected and qualified. Future successors shall be elected at the

nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 2-4.

The additional judge of the superior courts of the Western Judicial Circuit shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Western Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 2-5.

The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges, and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties comprising the Western Judicial Circuit shall be the same as are now provided by law for the other superior court judges of such circuit. The provisions, if any, enacted for the supplementation by the counties of such circuit of the salary of the judges of the superior courts of the Western Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 2-6.

All writs and processes in the superior courts of the Western Judicial Circuit shall be returnable to the terms of such superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of such courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide four judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of such superior courts and to direct and conduct all hearings and trials in such courts.

SECTION 2-7.

The chief judge shall be selected by majority vote of the judges of the superior courts of the Western Judicial Circuit. In the event of a tie vote, the judge nominated for the position most senior in point of service shall be the chief judge for the ensuing term. The term of the chief judge shall be for two years, or until the person serving as chief judge resigns the position or leave the court, whichever time is shorter. The chief judge shall be eligible to succeed himself or herself for one additional term.

SECTION 2-8.

Upon and after qualification of the additional judge of the superior courts of the Western Judicial Circuit, the four judges of such circuit may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and

laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the decision of the chief judge shall be controlling. The four judges of the superior courts of the Western Judicial Circuit shall have and are clothed with full power, authority, and discretion to determine from time to time and term to term the manner of calling the dockets, fixing the calendars, and order of business in such courts. They may assign to one of such judges the hearing of trials by jury for a term and the hearing of all other matters not requiring a trial by jury to the other judges, and they may rotate such order of business at the next term. They may conduct trials by jury at the same time in the same county or otherwise within such circuit, or they may hear chambers business and motion business at the same time at any place within such circuit. They may provide in all respects for holding the superior courts of such circuit so as to facilitate the hearing and determination of all the business of such courts at any time pending and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and disposing of the business of such courts and making appointments as authorized by law where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for in this Act shall control.

SECTION 2-9.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior courts of such circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in such courts so as to have jurors for the trial of cases before any of such judges separately or before each of them at the same time.

SECTION 2-10.

The four judges of the superior courts of the Western Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 2-11.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Western Judicial Circuit may bear teste in the name of any judge of the Western Judicial Circuit and, when issued by and in the name of any judge of such circuit, shall be fully valid and may be heard and determined before the same or any other judge of such circuit. Any judge of such circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 2-12.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Western Judicial Circuit shall be authorized to furnish the judges of such

circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

SECTION 2-13.

Nothing in this part shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

PART III
SECTION 3-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Chapter 22, currently designated as reserved, as follows:

"CHAPTER 22

15-22-1.
(a) There is created the Judicial, District Attorney, and Circuit Public Defender Compensation Commission for the purpose of conducting periodic comprehensive reviews of all aspects of compensation paid to justices, judges, district attorneys, and circuit public defenders.
(b) As used in this chapter, the term 'commission' means the Judicial, District Attorney, and Circuit Public Defender Compensation Commission.

15-22-2.
(a) The commission shall consist of five members. The Governor shall appoint two citizen members, one of whom shall have experience in executive compensation who is not an attorney. The Chief Justice of the Supreme Court shall appoint one member who shall be currently serving or be retired from serving as a judge or justice in this state. The Lieutenant Governor and the Speaker of the House of Representatives shall each appoint one member, neither of whom shall be attorneys. The chairperson of the Senate Appropriations Committee and the chairperson of the House Committee on Appropriations shall serve as ex officio nonvoting members of the commission.
(b) Each member of the commission shall be appointed to serve for a term of four years or until his or her successor is duly appointed. A member may be appointed to succeed himself or herself on the commission. If a member of the commission is an elected or appointed official, the member shall be removed from the commission if the member no longer serves as such elected or appointed official.
(c) Vacancies on the commission shall be filled by appointment in the same manner as the original appointment. An appointment to fill a vacancy, other than by expiration of a term of office, shall be for the balance of the unexpired term.

(d) The Governor shall designate the chairperson of the commission. The commission may elect other officers as it deems necessary. The chairperson of the commission may designate and appoint committees from among the membership of the commission as well as appoint other persons to perform such functions as he or she may determine to be necessary as relevant to and consistent with this chapter. The chairperson shall only vote to break a tie.
(e) The commission shall be attached for administrative purposes only to the Criminal Justice Coordinating Commission. The Criminal Justice Coordinating Commission shall provide staff support for the commission and shall use any funds specifically appropriated to it to support the work of the commission.

15-22-3.
(a) The commission may conduct meetings at such places and times as it deems necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this chapter. The commission shall hold meetings at the call of the chairperson. The commission shall meet not less than twice every year.
(b) A quorum for transacting business shall be a majority of the members of the commission.
(c) Any legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Members of the commission who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the commission, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out this subsection shall come from funds appropriated to the Senate and the House of Representatives.

15-22-4.
(a) The commission shall have the following duties:
(1) To review the conditions, needs, issues, and problems related to the efficient use of resources and caseload balance of the justice system in this state and the compensation paid to justices, judges, district attorneys, and circuit public defenders; issue a report on the same to the executive counsel of the Governor, the Office of Planning and Budget, and the chairpersons of the House Committee on Appropriations, the Senate Appropriations Committee, the House Committee on Judiciary, and the Senate Judiciary Committee; and recommend any action or proposed legislation which the commission deems necessary or appropriate. Nothing

contained in the commission's report shall be considered to authorize or require a change in any law without action by the General Assembly. The commission shall issue its first report on or before December 15, 2015, its second report on or before December 15, 2016, and thereafter at least every two years; and

(2) To evaluate and consider:

(A) Whether the compensation structure of this state is adequate to ensure that the most highly qualified attorneys in this state, drawn from diverse life and professional experiences, are not deterred from serving or continuing to serve in the state judiciary, as district attorneys, and as circuit public defenders and do not become demoralized during service because of compensation levels;

(B) The compensation paid as a county supplement to judges, district attorneys, circuit public defenders, and other staff associated with the courts;

(C) The caseload demands of judicial officers, prosecuting attorneys, and public defenders and the allocation of such officials, including staffing resources and jurisdictional structure;

(D) The skill and experience required of the particular judgeships or attorney positions at issue;

(E) The time required of the particular judgeships or attorney positions at issue;

(F) The value of compensable service performed by justices and judges, district attorneys, and circuit public defenders as determined by reference to compensation in other states and the federal government;

(G) The value of comparable service performed in the private sector, including private judging, arbitration, and mediation, based on the responsibility and discretion required in the particular judgeship at issue and the demand for those services in the private sector;

(H) The compensation of attorneys in the private sector;

(I) The Consumer Price Index and changes in such index;

(J) The overall compensation presently received by other public officials and employees; and

(K) Any other factors that are normally or traditionally taken into consideration in the determination of compensation.

(b) The commission shall have the following powers:

(1) To make findings, conclusions, and recommendations as to the proper salary and benefits for all justices and judges, district attorneys, and circuit public defenders of this state;

(2) To make findings, conclusions, and recommendations as to the efficient use of resources and caseload balance of the justice system in this state;

(3) To request and receive data from and review the records of appropriate state agencies, local governments, and courts to the greatest extent allowed by state and federal law;

(4) To accept public or private grants, devises, and bequests;

(5) To authorize entering into contracts or agreements through the commission's chairperson necessary or incidental to the performance of its duties;

(6) To establish rules and procedures for conducting the business of the commission; and

(7) To conduct studies, hold public meetings, collect data, or take any other action the commission deems necessary to fulfill its responsibilities.

(c) The commission shall be authorized to retain the services of attorneys, consultants, subject matter experts, economists, budget analysts, data analysts, statisticians, and other individuals or organizations as determined appropriate by the commission.

15-22-5.

This chapter shall be repealed effective June 30, 2020, unless continued in effect by the General Assembly prior to that date."

PART IV
SECTION 4-1.

(a) Except as provided in subsections (b) and (c) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b)(1) Part I of this Act shall become effective only if funds are appropriated for purposes of Part I of this Act in an appropriations Act enacted at the 2015 regular session of the General Assembly.

(2) If funds are so appropriated, then Part I of this Act shall become effective on January 1, 2016.

(3) If funds are not so appropriated, then Part I of this Act shall not become effective and shall stand repealed on July 1, 2015.

(c)(1) For purposes of making the initial appointments of the judge to fill the superior court judgeship created by Part II of this Act, Part II of this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

(2) For all other purposes, Part II of this Act shall become effective on April 1, 2016.

SECTION 4-2.

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

The following amendment was read and adopted:

Representatives Powell of the 171st and Ramsey of the 72nd offer the following amendment:

Amend the Senate substitute to HB 279 (LC 29 6628S) by inserting after "circumstances;" *on line 4 the following:*

to increase the number of Court of Appeals Judges; to change provisions relating to a quorum; to provide for the Judges' appointment and election;

By inserting between lines 38 and 39 the following:

Said title is further amended by revising subsections (a) and (e) of Code Section 15-3-1, relating to composition of the Court of Appeals and quorum, as follows:

"(a) **Composition.** The Court of Appeals shall consist of ~~12~~ 15 Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the court."

"(e) **Quorum.** When all the members of the court are sitting together as one court, ~~seven~~ eight Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than ~~12~~ 15 Judges, the concurrence of at least ~~seven~~ eight shall be essential to the rendition of a judgment."

SECTION 1-2A.

Said title is further amended by revising Code Section 15-3-4, relating to election and term of office of Judges of Court of Appeals, as follows:

"15-3-4.

(a) The Judges of the Court of Appeals shall be elected at the general primary in each even-numbered year in the manner in which Justices of the Supreme Court are elected. The election of the Judges shall be as follows:

(1) Successors to the Judges serving in judgeships which existed prior to 1999 shall be elected as follows:

(A) Successors to any Judges whose terms expired at the end of 1998 shall be elected at the general election in 2004 and each sixth year thereafter;

(B) Successors to any Judges whose terms expire at the end of 2000 shall be elected at the general election in 2000 and each sixth year thereafter;

(C) Successors to any Judges whose terms expire at the end of 2002 shall be elected at the general election in 2002 and each sixth year thereafter; and

(D) Successors to any Judges whose terms expire at the end of 2004 shall be elected at the general election in 2004 and each sixth year thereafter; and

(2) Successors to the two Judges serving in the judgeships created in 1999 shall be elected at the 2000 general election and each sixth year thereafter.

The terms of the Judges shall begin on January 1 following their election and, except as provided above, shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor.

(b) The additional judgeships created in 2015 shall be appointed by the Governor for a term beginning January 1, 2016, and continuing through December 31, 2018, and until their successors are elected and qualified. Their successors shall be elected in the manner provided by law for the election of Judges of the Court of Appeals at the nonpartisan judicial election in 2018, for a term of six years beginning on January 1, 2019, and until their successors are elected and qualified. Future successors shall be elected at the nonpartisan judicial election each sixth year after such election for terms of six years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election."

SECTION 1-2B.

By replacing lines 392 and 393 with the following:

(2) If funds are so appropriated, then Part I of this Act shall become effective on July 1, 2015, for purposes of making the initial appointments of the Court of Appeals Judges created by Part I of this Act, and for all other purposes, Part I of this Act shall become effective on January 1, 2016.

Representative Powell of the 171st moved that the House agree to the Senate substitute, as amended by the House, to HB 279.

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

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

On the motion, the ayes were 145, nays 22.

The motion prevailed.

HB 308. By Representatives Stephens of the 164th, Peake of the 141st and Harbin of the 122nd:

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, computation, rate, and exemptions from state income taxes, so as to revise the tax credit for the rehabilitation of historic structures; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, rate, and exemptions from state income taxes, so as to revise the tax credit for the rehabilitation of historic structures; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, rate, and exemptions from state income taxes, is amended by revising Code Section 48-7-29.8, relating to a tax credit for the rehabilitation of historic structures, as follows:

"48-7-29.8.

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

(1) 'Certified rehabilitation' means repairs or alterations to a certified structure which are certified by the Department of Natural Resources as meeting the United States Secretary of the Interior's Standards for Rehabilitation or the Georgia Standards for Rehabilitation as provided by the Department of Natural Resources.

(2) 'Certified structure' means a historic building or structure that is <u>located within a national historic district, individually listed on the National Register of Historic Places,</u> individually listed in the Georgia Register of Historic Places<u>,</u> or is certified by the Department of Natural Resources as contributing to the historic significance of a Georgia Register Historic District.

(3) 'Historic home' means a certified structure which, or any portion of which is or will, within a reasonable period, be owned and used as the principal residence of the

person claiming the tax credit allowed under this Code section. Historic home shall include any structure or group of structures that constitute a multifamily or multipurpose structure, including a cooperative or condominium. If only a portion of a building is used as such person's principal residence, only those qualified rehabilitation expenditures that are properly allocable to such portion shall be deemed to be made to a historic home.

(4) 'Qualified rehabilitation expenditure' means any qualified rehabilitation expenditure as defined by Section 47(c)(2) of the Internal Revenue Code of 1986 and any amount properly chargeable to a capital account expended in the substantial rehabilitation of a structure that by the end of the taxable year in which the certified rehabilitation is completed is a certified structure. This term does not include the cost of acquisition of the certified structure, the cost attributable to enlargement or additions to an existing building, site preparation, or personal property.

(5) 'Substantial rehabilitation' means rehabilitation of a certified structure for which the qualified rehabilitation expenditures, at least 5 percent of which must be allocable to the exterior during the 24 month period selected by the taxpayer ending with or within the taxable year, exceed:

(A) For a historic home, the lesser of $25,000.00 or 50 percent of the adjusted basis of the property as defined in subparagraph (a)(1)(B) of Code Section 48-5-7.2; or, in the case of a historic home located in a target area $5,000.00; or

(B) For any other certified structure, the greater of $5,000.00 or the adjusted basis of the property.

(6) 'Target area' means a qualified census tract under Section 42 of the Internal Revenue Code of 1986, found in the United States Department of Housing and Urban Development document number N-94-3821; FR-3796-N-01.

(b) A taxpayer shall be allowed a tax credit against the tax imposed by this chapter for the taxable year in which the certified rehabilitation is completed:

(1) In the case of a historic home, equal to 25 percent of qualified rehabilitation expenditures, except that, in the case of a historic home located within a target area, an additional credit equal to 5 percent of qualified rehabilitation expenditures shall be allowed; and

(2) In the case of any other certified structure, equal to 25 percent of qualified rehabilitation expenditures.

Qualified rehabilitation expenditures may only be counted once in determining the amount of the tax credit available, and more than one entity may not claim a credit for the same qualified rehabilitation expenditures.

(c)(1) In no event shall credits for a historic home exceed $100,000.00 in ~~any 120 month period~~ an individual certified structure.

(2) ~~In no event shall credits for a certified structure exceed $300,000.00 in any 120 month period~~ The maximum credit for any other individual certified structure shall be $5 million for any taxable year, except in the case that the project creates 200 or more full-time, permanent jobs or $5 million in annual payroll within two years of the placed in service date, in which case the project is eligible for credits up to $20

million for an individual certified structure. Any credit exceeding $5 million shall be issued by the Department of Revenue over a two-year period beginning with the year the project is placed in service.

(3) In no event shall credits issued under this Code section for projects earning more than $300,000.00 in credits exceed in the aggregate $25 million per calendar year.

(d)(1) A taxpayer seeking to claim a tax credit under paragraph (2) of subsection (b) of this Code section shall submit an application to the commissioner for preapproval of such tax credit. Such application shall include a precertification from the Department of Natural Resources certifying that the improvements to the certified structure are to be consistent with the Department of Natural Resources Standards for Rehabilitation. The Department shall have the authority to require electronic submission of such application in the manner specified by the department. The commissioner shall preapprove the tax credits within 30 days based on the order in which properly completed applications were submitted. In the event that two or more applications were submitted on the same day and the amount of funds available will not be sufficient to fully fund the tax credits requested, the commissioner shall prorate the available funds between or among the applicants. For applications on projects over the annual $25 million limitation, those applications shall be given priority the following year.

(2) In order to be eligible to receive the credit authorized under subsection (b) of this Code section, a taxpayer must attach to the taxpayer's state tax return a copy of the completed certification of the Department of Natural Resources verifying that the improvements to the certified structure are consistent with the Department of Natural Resources Standards for Rehabilitation.

(e)(1) If the credit allowed under paragraph (1) of subsection (b) of this Code section in any taxable year exceeds the total tax otherwise payable by the taxpayer for that taxable year, the taxpayer may apply the excess as a credit for succeeding years until the earlier of:

(A) The full amount of the excess is used; or

(B) The expiration of the tenth taxable year after the taxable year in which the certified rehabilitation has been completed.

(2) Any tax credits with respect to credits earned by a taxpayer under paragraph (2) of subsection (b) of this Code section and previously claimed but not used by such taxpayer against its income tax may be transferred or sold in whole or in part by such taxpayer to another Georgia taxpayer, subject to the following conditions:

(A) A taxpayer who makes qualified rehabilitation expenditures may sell or assign all or part of the tax credit that may be claimed for such costs and expenses to one or more entities, and any entity to which all or part of the credit is sold or assigned may sell or assign all or part of the tax credit to another entity. There is no limit on the total number of transactions for the sale or assignment of all or part of the total tax credit authorized under this subsection; provided, however, that collectively, all transfers are subject to the maximum total limits provided by subsection (c) of this Code section;

(B) A taxpayer who sells or assigns a credit under this Code section and the entity to which the credit is sold or assigned shall jointly submit written notice of the sale or assignment to the department not later than 30 days after the date of the sale or assignment. The notice must include:

(i) The date of the sale or assignment;

(ii) The amount of the credit sold or assigned;

(iii) The names and federal tax identification numbers of the entity that sold or assigned the credit or part of the credit and the entity to which the credit or part of the credit was sold or assigned; and

(iv) The amount of the credit owned by the selling or assigning entity before the sale or assignment and the amount the selling or assigning entity retained, if any, after the sale or assignment;

(C) The sale or assignment of a credit in accordance with this Code section does not extend the period for which a credit may be carried forward and does not increase the total amount of the credit that may be claimed. After an entity claims a credit for eligible costs and expenses, another entity may not use the same costs and expenses as the basis for claiming a credit; and

(D) Notwithstanding the requirements of this subsection, a credit earned or purchased by, or assigned to, a partnership, limited liability company, Subchapter 'S' corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of that entity and claimed under this Code section in accordance with the provisions of any agreement among the partners, members, or shareholders of that entity and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax.

(E) Only a taxpayer who earned a credit, and no subsequent good faith transferee, shall be responsible in the event of a recapture, reduction, disallowance, or other failure related to such credit.

~~(2)~~(3) No such credit shall be allowed the taxpayer against prior years' tax liability.

(f) In the case of any rehabilitation which may reasonably be expected to be completed in phases set forth in architectural plans and specifications completed before the rehabilitation begins, a 60 month period may be substituted for the 24 month period provided for in paragraph (5) of subsection (a) of this Code section.

(g)(1) Except as otherwise provided in subsection (h) of this Code section, in the event a tax credit under this Code section has been claimed and allowed the taxpayer, upon the sale or transfer of the certified structure, the taxpayer shall be authorized to transfer the remaining unused amount of such credit to the purchaser of such certified structure. If a historic home for which a certified rehabilitation has been completed by a nonprofit corporation is sold or transferred, the full amount of the credit to which the nonprofit corporation would be entitled if taxable shall be transferred to the purchaser or transferee at the time of sale or transfer.

(2) Such purchaser shall be subject to the limitations of subsection (e) of this Code section. Such purchaser shall file with such purchaser's tax return a copy of the

approval of the rehabilitation by the Department of Natural Resources as provided in subsection (d) and a copy of the form evidencing the transfer of the tax credit.

(3) Such purchaser shall be entitled to rely in good faith on the information contained in and used in connection with obtaining the approval of the credit including, without limitation, the amount of qualified rehabilitation expenditures.

(h)(1) If an owner other than a nonprofit corporation sells a historic home within three years of receiving the credit, the seller shall recapture the credit to the Department of Revenue as follows:

(A) If the property is sold within one year of receiving the credit, the recapture amount will equal the lesser of the credit or the net profit of the sale;

(B) If the property is sold within two years of receiving the credit, the recapture amount will equal the lesser of two-thirds of the credit or the net profit of the sale; or

(C) If the property is sold within three years of receiving the credit, the recapture amount will equal the lesser of one-third of the credit or the net profit of the sale.

(2) The recapture provisions of this subsection shall not apply to a sale resulting from the death of the owner.

(i)(1) In the event that a taxpayer claims the tax credit under paragraph (2) of subsection (b) of this Code section and leases such certified structure, the department shall aggregate all total sales tax receipts from the certified structure.

(2) Any taxpayer claiming credits under paragraph (2) of subsection (b) of this Code section shall report to the department the average full-time employees employed at the certified structure. A full-time employee for the purposes of this Code section shall mean a person who works a job that requires 30 or more hours per week. Such reports must be submitted to the department for five calendar years following the year in which the credit is claimed by the taxpayer.

(3) In the event that a taxpayer claims the tax credit under paragraph (2) of subsection (b) of this Code section and leases such certified structure, the department shall aggregate all total full-time employees at the certified structure.

(j) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, the department shall furnish a report to the chairperson of House Committee on Ways and Means and the chairperson of the Senate Finance Committee by June 30 of each year. Such report shall contain the total sales tax collected in the prior calendar year and the average number of full-time employees at the certified structure and the total value of credits claimed for each taxpayer claiming credits under paragraph (2) of subsection (b) of this Code section.

~~(i)~~(k) The tax credit allowed under paragraph (1) of subsection (b) of this Code section, and any recaptured tax credit, shall be allocated among some or all of the partners, members, or shareholders of the entity owning the project in any manner agreed to by such persons, whether or not such persons are allocated or allowed any portion of any other tax credit with respect to the project.

~~(j)~~(l) The Department of Natural Resources and the Department of Revenue shall prescribe such regulations as may be appropriate to carry out the purposes of this Code section.

~~(k)~~(m) The Department of Natural Resources shall report, on an annual basis, on the overall economic activity, usage, and impact to the state from the rehabilitation of eligible properties for which credits provided by this Code section have been allowed."

SECTION 2.

The amendments enacted in this Act shall take effect on January 1, 2016, and shall be applicable to certified rehabilitations completed on or after January 1, 2017, and shall stand repealed on December 31, 2021, unless otherwise modified by the General Assembly. In the event the amendments provided for in this Act are repealed, the provisions of Code Section 48-7-29.8 as they existed prior to this Act shall remain in full force and effect.

SECTION 3.

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

The following amendment was read and adopted:

Representative Stephens of the 164th offers the following amendment:

Amend the substitute to HB 308 (LC 34 4679S) by deleting lines 60 and 61 and inserting in lieu thereof the following:

(c)(1) In no event shall credits for a historic home exceed $100,000.00 in any 120 month period.

By deleting "$20" *and inserting* "$10" *on line 66;*

By deleting lines 67 through 69 and inserting in lieu thereof the following:

individual certified structure. In no event shall more than one application for any individual certified structure under this paragraph be approved in any 120 month period.

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

entities, but no further sale or assignment of any credit previously sold or assigned pursuant to this subparagraph shall be allowed. All such transfers shall be

Representative Stephens of the 164th moved that the House agree to the Senate substitute, as amended by the House, to HB 308.

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

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

On the motion, the ayes were 118, nays 46.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Utopian Academy for the Arts Act."

SECTION 2.
Code Section 20-2-2068.2 of the Official Code of Georgia Annotated, relating to a facilities fund for charter schools, is amended by adding a new subsection to read as follows:

"(i) No municipality, county, or other local political subdivision of this state may require the nonprofit corporation that holds the charter for a charter school that has passed the Department of Education facility inspection and holds a valid certificate of occupancy to obtain any other licensure to operate the school, including, but not limited to, a business license, professional license, or occupational tax certificate; provided, however, that any for profit vendor of the charter school shall be subject to any applicable local requirements relating to doing business in this state. Charter schools shall be subject to all applicable zoning, planning, and building permitting requirements when constructing or renovating a facility."

SECTION 3.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Coomer of the 14th et al. offer the following amendment:

Amend the Senate Committee on Education and Youth substitute to HB 372 (LC 33 6178S) by inserting after "title;" *on line 4 the following:*
to amend Code Section 20-3-250.3 of the Official Code of Georgia Annotated, relating to educational institutions exempted from application of part, so as to revise a provision relating to nonpublic, nonprofit colleges; to amend Article 31 of Chapter 2 of Title 20 of

the Official Code of Georgia Annotated, relating to charter schools, so as to provide for weighted lotteries in charter schools for educationally disadvantaged students;

By striking lines 7 through 9 and inserting in lieu thereof the following:

PART I

SECTION 1-1.

This part shall be known and may be cited as the "Utopian Academy for the Arts Act."

SECTION 1-2.

By striking line 21 and inserting in lieu thereof the following:

PART II

SECTION 2-1.

Code Section 20-3-250.3 of the Official Code of Georgia Annotated, relating to educational institutions exempted from application of part, is amended by revising paragraph (10) of subsection (a), as follows:

"(10) Subject to the requirements of subsection (c) of Code Section 20-3-250.6, any nonpublic, nonprofit college or university granting baccalaureate degrees whose principal office and campus are located in this state and its related graduate and professional programs, which have been in existence ten or more years as a nonpublic, nonprofit college or university ~~prior to July 1, 1989,~~ and is accredited by a national or regional accrediting agency recognized by the United States Department of Education;"

PART III

SECTION 3-1.

Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to charter schools, is amended by adding a new paragraph to Code Section 20-2-2062, relating to definitions, to read as follows:

"<u>(4.1) 'Educationally disadvantaged students' means all or a subset of the following: students who are economically disadvantaged, students with disabilities, limited English proficient students, neglected or delinquent students, and homeless students, as each such subset is defined by the State Board of Education in accordance with federal education guidelines and regulations.</u>"

SECTION 3-2.

Said article is further amended by revising Code Section 20-2-2066, relating to admission, enrollment, and withdrawal of students, as follows:

"20-2-2066.

(a) A local charter school shall enroll students in the following manner:

(1)(A) A start-up charter school shall enroll any student who resides in the ~~charter~~ attendance zone ~~as~~ specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. ~~In such case~~ Except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a start-up charter school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) A sibling of a student enrolled in the start-up charter school;

(ii) A sibling of a student enrolled in another local school designated in the charter;

(iii) A student whose parent or guardian is a member of the governing board of the start-up charter school or is a full-time teacher, professional, or other employee at the start-up charter school;

(iv) Students matriculating from a local school designated in the charter; and

(v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school~~; and~~.

(B) A conversion charter school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter. If the number of applying students who reside in the attendance zone does not exceed the capacity as specified in the charter, additional students shall be enrolled based on a random selection process, except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter; provided, however, that a conversion charter school may give enrollment ~~preferences may be given~~ preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) A sibling of a student enrolled in the conversion charter school or in any school in the high school cluster;

(ii) ~~Students~~ A student whose parent or guardian is a member of the governing board of the conversion charter school or is a full-time teacher, professional, or other employee at the conversion charter school;

(iii) Students who were enrolled in the local school prior to its becoming a conversion charter school;

(iv) Students who reside in the ~~charter~~ attendance zone specified in the charter; and

(v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share

common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school; and

(2) A student who resides outside the school system in which the local charter school is located may not enroll in that local charter school except pursuant to a contractual agreement between the local boards of the school system in which the student resides and the school system in which the local charter school is located. Unless otherwise provided in such contractual agreement, a local charter school may give enrollment preference to a sibling of a nonresident student currently enrolled in the local charter school.

(b) A state chartered special school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. The period of time during which an application for enrollment may be submitted shall be specified in the charter. ~~In such case~~ Except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a state chartered special school may give enrollment preference to ~~a child of a full-time teacher, professional, or other employee of the state chartered special school as provided for in subsection (b) of Code Section 20-2-293 or to a sibling of a student currently enrolled in the state chartered special school~~ applicants in any one or more of the following categories in the order of priority specified in the charter:

(1) A sibling of a student enrolled in the state chartered special school;

(2) A sibling of a student enrolled in another local school designated in the charter;

(3) A student whose parent or guardian is a member of the governing board of the state chartered special school or is a full-time teacher, professional, or other employee at the state chartered special school;

(4) Students matriculating from a local school designated in the charter; and

(5) Children who matriculate from a pre-kindergarten program which is associated with the state chartered special school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school.

(b.1) A charter system shall enroll students in its system charter schools per the terms of the charter and in accordance with state board rules.

(c) A charter school shall not discriminate on any basis that would be illegal if used by a school system.

(d) A student may withdraw without penalty from a charter school at any time and enroll in a local school in the school system in which such student resides as may be provided for by the policies of the local board. A student who is suspended or expelled from a charter school as a result of a disciplinary action taken by a charter school shall be entitled to enroll in a local school within the local school system in which the student resides, if, under the disciplinary policy of the local school system, such student would

not have been subject to suspension or expulsion for the conduct which gave rise to the suspension or expulsion. In such instances, the local board shall not be required to independently verify the nature or occurrence of the applicable conduct or any evidence relating thereto."

PART IV

SECTION 4-1.

Representative Coomer of the 14th moved that the House agree to the Senate substitute, as amended by the House, to HB 372.

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

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

On the motion, the ayes were 169, nays 0.

The motion prevailed.

HB 233. By Representatives Atwood of the 179th, Dudgeon of the 25th, Geisinger of the 48th, Dunahoo of the 30th and Jasperse of the 11th:

A BILL to be entitled an Act to amend Title 9 of the O.C.G.A., relating to civil practice; to amend Title 16 of the O.C.G.A., relating to crimes and offenses; to amend Titles 3, 5, 7, 10, 12, 15, 17, 27, 36, 38, 40, 45, 46, 48, 49, and 52 of the O.C.G.A., relating to alcoholic beverages, appeal and error, banking and finance, commerce and trade, conservation and natural resources, courts, criminal procedure, game and fish, local government, military, emergency management, veterans affairs, motor vehicles and traffic, public officers and employees, public utilities and public transportation, revenue and taxation, social services, waters of the state, ports, and watercraft; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 233 (LC 29 6456S) by inserting after* "forfeitures;" *on line 10* "to amend Code Section 15-12-60 of the Official Code of Georgia Annotated, relating to the qualifications for grand jurors, so as to prohibit certain individuals from serving as grand jurors; to prohibit quashing of indictments when ineligible grand jurors serve on a grand jury;".

By inserting after line 971 the following:

PART I-A
SECTION 1A-1.

Code Section 15-12-60 of the Official Code of Georgia Annotated, relating to the qualifications for grand jurors, is amended by revising subsection (c) and adding a new subsection to read as follows:

"(c) <u>The following individuals shall not be eligible to serve as a grand juror:</u>

<u>(1)</u> Any ~~person~~ <u>individual</u> who has been convicted of a felony in a state or federal court who has not had his or her civil rights restored<u>;</u> ~~and any person~~

<u>(2) Any individual</u> who has been judicially determined to be mentally incompetent ~~shall not be eligible to serve as a grand juror~~<u>;</u>

<u>(3) Any individual charged with a felony offense and who is in a pretrial release program, a pretrial release and diversion program, or a pretrial intervention and diversion program, as provided for in Article 4 of Chapter 18 of Title 15 or Article 5 of Chapter 8 of Title 42 or pursuant to Uniform Superior Court Rule 27, a similar</u>

diversion program from another state, or a similar federal court diversion program for a felony offense;

(4) Any individual sentenced for a felony offense pursuant to Code Section 16-13-2 who has not completed the terms of his or her sentence;

(5) Any individual serving a sentence for a felony offense pursuant to Article 3 of Chapter 8 of Title 42 or serving a first offender sentence for a felony offense pursuant to another state's law; and

(6) Any individual who is participating in a drug court division, mental health court division, veterans court division, a similar court program from another state, or a similar federal court program for a felony offense.

(d) If an indictment is returned, and a grand juror was ineligible to serve as a grand juror pursuant to subsection (c) of this Code section, such indictment shall not be quashed solely as a result of such ineligibility."

Representative Atwood of the 179th moved that the House agree to the Senate amendment to HB 233.

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
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	O'Neal	Stephens, R
Y 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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A

Y Clark, D	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	E 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 motion, the ayes were 170, nays 0.

The motion prevailed.

HB 162. By Representatives Shaw of the 176th, Efstration of the 104th, Taylor of the 173rd, Lumsden of the 12th and Maxwell of the 17th:

A BILL to be entitled an Act to amend Chapter 2 of Title 33 of the Official Code of Georgia Annotated, relating to the department and Commissioner of Insurance, so as to provide for insurance compliance self-evaluative privilege; to provide for intent; to provide for definitions; to provide for an insurance compliance self-evaluative audit document as privileged information; to provide for inadmissibility in certain legal actions; to provide for applications and exceptions; to provide for the burden of proof; to provide for related matters; to provide for an automatic repeal date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 33 of the Official Code of Georgia Annotated, relating to the department and Commissioner of Insurance, so as to provide for insurance compliance self-evaluative privilege; to provide for intent; to provide for definitions; to provide for an insurance compliance self-evaluative audit document as privileged information; to provide for inadmissibility in certain legal actions; to provide for applications and exceptions; to provide for the burden of proof; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 33 of the Official Code of Georgia Annotated, relating to the department and Commissioner of Insurance, is amended by adding a new Code section to read as follows:

"33-2-34.

(a) To encourage insurance companies and persons conducting activities regulated under this title, both to conduct voluntary internal audits of their compliance programs and management systems and to assess and improve compliance with state and federal statutes, rules, and orders, an insurance compliance self-evaluative privilege is recognized to protect the confidentiality of communications relating to voluntary internal compliance audits. The General Assembly hereby finds and declares that protection of insurance consumers is enhanced by companies' voluntary compliance with this state's insurance and other laws and that the public will benefit from incentives to identify and remedy insurance and other compliance issues. It is further declared that limited expansion of the protection against disclosure will encourage voluntary compliance and improve insurance market conduct quality and that the voluntary provisions of this Code section will not inhibit the exercise of the regulatory authority by those entrusted with protecting insurance consumers.

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

(1) 'Insurance compliance audit' means a voluntary, internal evaluation, review, assessment, or audit not otherwise expressly required by law of an insurer or an activity regulated under this title, or other state or federal law applicable to an insurer, or of management systems related to the insurer or activity, that is designed to identify and prevent noncompliance and to improve compliance with those statutes, rules, or orders. An insurance compliance audit may be conducted by the insurer, its employees, or independent contractors.

(2) 'Insurance compliance self-evaluative audit document' means any document prepared as a result of or in connection with and not prior to an insurance compliance audit. An insurance compliance self-evaluative audit document may include a written response to the findings of an insurance compliance audit. An insurance compliance self-evaluative audit document may include, but is not limited to, as applicable, field notes and records of observations, findings, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer generated or electronically recorded information, phone records, maps, charts, graphs, and surveys, provided that this supporting information is collected or developed for the primary purpose and in the course of an insurance compliance audit. An insurance compliance self-evaluative audit document may also include any of the following:

(A) An insurance compliance audit report prepared by an auditor, who may be an employee of the insurer or an independent contractor, which may include the scope of the audit, the information gained in the audit, and conclusions and recommendations, with exhibits and appendices;

(B) Memoranda and documents analyzing portions or all of the insurance compliance audit report and discussing potential implementation issues;

(C) An implementation plan that addresses correcting past noncompliance, improving current compliance, and preventing future noncompliance; or

(D) Analytic data generated in the course of conducting the insurance compliance audit.

(c)(1) An insurance compliance self-evaluative audit document is privileged information and is not admissible as evidence in any legal action in any civil, criminal, or administrative proceeding, except as provided in subsections (d) and (e) of this Code section. Documents, communications, data, reports, or other information created as a result of a claim involving personal injury or workers' compensation made against an insurance policy are not insurance compliance self-evaluative audit documents and are admissible as evidence in civil proceedings as otherwise provided by applicable rules of evidence or civil procedure, subject to any applicable statutory or common law privilege, including, but not limited to, the work product doctrine, the attorney-client privilege, or the subsequent remedial measures exclusion.

(2) If any insurer, person, or entity performs or directs the performance of an insurance compliance audit, an officer or employee involved with the insurance compliance audit, or any consultant who is hired for the purpose of performing the insurance compliance audit, shall not be examined in any civil, criminal, or administrative proceeding as to the insurance compliance audit or any insurance compliance self-evaluative audit document, as defined in this Code section. This paragraph shall not apply if the privilege set forth in paragraph (1) of this subsection is determined under subsection (d) or (e) of this Code section not to apply.

(3) An insurer may voluntarily submit, in connection with examinations conducted under this Code section, an insurance compliance self-evaluative audit document to the Commissioner, or his or her designee, as a confidential document under subsection (g) of Code Section 33-2-14 without waiving the privilege set forth in this Code section to which the insurer would otherwise be entitled. However, the provision permitting the Commissioner to provide access to the National Association of Insurance Commissioners shall not apply to the insurance compliance self-evaluative audit document so voluntarily submitted. Nothing contained in this subsection shall give the Commissioner any authority to compel an insurer to disclose involuntarily or otherwise provide an insurance compliance self-evaluative audit document.

(d)(1) The privilege set forth in subsection (c) of this Code section shall not apply to the extent that it is expressly waived by the insurer that prepared or caused to be prepared the insurance compliance self-evaluative audit document.

(2) In a civil or administrative proceeding, a court of record may, after an in camera review, require disclosure of material for which the privilege set forth in subsection (c) of this Code section is asserted, if the court determines that:

(A) The privilege is asserted for a fraudulent purpose;

(B) The material is not subject to the privilege; or

(C) Even if subject to the privilege, the material shows evidence of noncompliance with state or federal statutes, rules, and orders and the insurer failed to undertake reasonable corrective action or eliminate the noncompliance within a reasonable time.

(3) In a criminal proceeding, a court of record may, after an in camera review, require disclosure of material for which the privilege described in subsection (c) of this Code section is asserted, if the court determines that:

(A) The privilege is asserted for a fraudulent purpose;

(B) The material is not subject to the privilege;

(C) Even if subject to the privilege, the material shows evidence of noncompliance with state or federal statutes, rules, and orders and the insurer failed to undertake reasonable corrective action or eliminate such noncompliance within a reasonable time; or

(D) The material contains evidence relevant to the commission of a criminal offense under this title and:

(i) The Commissioner has a compelling need for the information;

(ii) The information is not otherwise available; and

(iii) The Commissioner is unable to obtain the substantial equivalent of the information by any means without incurring unreasonable cost and delay.

(e)(1) Within 30 days after the Commissioner makes a written request by certified mail for disclosure of an insurance compliance self-evaluative audit document under this subsection, the insurer that prepared or caused the document to be prepared may file with the appropriate court a petition requesting an in camera hearing on whether the insurance compliance self-evaluative audit document or portions of the document are privileged under this Code section or subject to disclosure. The court has jurisdiction over a petition filed by an insurer under this subsection requesting an in camera hearing on whether the insurance compliance self-evaluative audit document or portions of the document are privileged or subject to disclosure. Failure by the insurer to file a petition waives the privilege.

(2) An insurer asserting the insurance compliance self-evaluative privilege in response to a request for disclosure under this subsection shall include in its petition for an in camera hearing all of the information set forth in paragraph (5) of this subsection.

(3) Upon the filing of a petition under this subsection, the court shall issue an order scheduling, within 45 days after the filing of the petition, an in camera hearing to determine whether the insurance compliance self-evaluative audit document or portions of the document are privileged under this Code section or subject to disclosure.

(4) The court, after an in camera review, may require disclosure of material for which the privilege in subsection (c) of this Code section is asserted if the court determines, based upon its in camera review, that any one of the conditions set forth in paragraph (2) of subsection (d) of this Code section is applicable as to a civil or administrative proceeding or that any one of the conditions set forth in paragraph (3) of subsection (d) of this Code section is applicable as to a criminal proceeding. Upon making such a determination, the court may only compel the disclosure of those portions of an insurance compliance self-evaluative audit document relevant to issues in dispute in the underlying proceeding. Any compelled disclosure will not be considered to be a

public document or be deemed to be a waiver of the privilege for any other civil, criminal, or administrative proceeding. A party unsuccessfully opposing disclosure may apply to the court for an appropriate order protecting the document from further disclosure.

(5) An insurer asserting the insurance compliance self-evaluative privilege in response to a request for disclosure under this subsection shall provide to the Commissioner at the time of filing any objection to the disclosure:

(A) The date of the insurance compliance self-evaluative audit document;

(B) The identity of the entity conducting the audit;

(C) The general nature of the activities covered by the insurance compliance audit; and

(D) An identification of the portions of the insurance compliance self-evaluative audit document for which the privilege is being asserted.

(f)(1) An insurer asserting the insurance compliance self-evaluative privilege set forth in subsection (c) of this Code section has the burden of demonstrating the applicability of the privilege. Once an insurer has established the applicability of the privilege, a party seeking disclosure under paragraph (2) or (3) of subsection (d) of this Code section has the burden of proving that the privilege is asserted for a fraudulent purpose or that the insurer failed to undertake reasonable corrective action or eliminate the noncompliance within a reasonable time. The Commissioner, in seeking disclosure under paragraph (3) of subsection (d) of this Code section, has the burden of proving the elements set forth in paragraph (3) of subsection (d) of this Code section.

(2) The parties may at any time stipulate in proceedings under subsection (d) or (e) of this Code section to entry of an order directing that specific information contained in an insurance compliance self-evaluative audit document is or is not subject to the privilege provided under subsection (c) of this Code section.

(g) The privilege set forth in subsection (c) of this Code section shall not extend to:

(1) Documents, communications, data, reports, or other information required to be collected, developed, maintained, reported, or otherwise made available to a regulatory agency pursuant to this title or other federal or state law, rule, or order;

(2) Information obtained by observation or monitoring by any regulatory agency; or

(3) Information obtained from a source independent of the insurance compliance audit.

(h) Nothing in this Code section shall limit, waive, or abrogate the scope or nature of any statutory or common law privilege including, but not limited to, the work product doctrine, the attorney-client privilege, or the subsequent remedial measures exclusion.

(i) This Code section shall apply to self-evaluative audits completed before June 30, 2018, but shall not apply to any such audits completed on or after July 1, 2018, unless authorized by the General Assembly prior to that date."

SECTION 2.

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

Representative Shaw of the 176th moved that the House agree to the Senate substitute to HB 162.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y 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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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	Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	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	E 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 motion, the ayes were 171, nays 1.

The motion prevailed.

HB 70. By Representatives Hugley of the 136th, Smyre of the 135th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to

designate the gray fox as the official state mammal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the white-tailed deer as the official state mammal; 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 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, is amended by adding a new Code section to read as follows:

"50-3-87.

The white-tailed deer (*Odocoileus virginianus*) is designated as the official Georgia state mammal."

SECTION 2.

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

Representative Hugley of the 136th moved that the House agree to the Senate substitute to HB 70.

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

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

Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
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	Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	Y 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	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	N McCall	Y Shaw	Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 167, nays 2.

The motion prevailed.

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 203. By Senator Hill of the 6th:

A BILL to be entitled an Act to amend Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary of State, so as create the Georgia World War I Centennial Commission; to provide for the membership, powers and duties, expense reimbursement, and operations of the commission; to provide for administrative assignment of the commission to the office of the Secretary of State and legal services by the Attorney General; to provide for the purpose of the commission; to authorize the solicitation, receipt, and expenditure of appropriations and donations; to provide for reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary of State, so as create the Georgia World War I Centennial Commission; to

provide for the membership, powers and duties, expense reimbursement, and operations of the commission; to provide for administrative assignment of the commission to the office of the Board of Regents of the University System of Georgia and legal services by the Attorney General; to provide for the purpose of the commission; to authorize the solicitation, receipt, and expenditure of appropriations and donations; to provide for reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary of State, is amended by revising Article 3, which is reserved, so as to enact a new Article 3 to read as follows:

"ARTICLE 3

45-13-40.

(a) There is created the Georgia World War I Centennial Commission. The commission shall consist of two members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives. Each member of the commission shall serve for the existence of the commission. Any vacancy on the commission shall be filled by an appointment by the officer who appointed the member whose seat has become vacant.

(b) The chairperson of the commission and vice chairperson shall be appointed by the commission from among its membership. The commission may establish such bylaws for its operation as it may deem appropriate.

45-13-41.

The commission shall be attached for administrative purposes to the office of the Board of Regents of the University System of Georgia. If approved by the Board of Regents, the board shall provide support staff and facilities for the commission. The Attorney General shall provide legal counsel to the commission and shall provide legal representation in any matter involving the affairs of the commission. No additional state appropriations shall be made for this commission.

45-13-42.

The purpose of the Georgia World War I Centennial Commission shall be:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I and Georgia's role in it;

(2) To encourage private organizations and local governments in Georgia to organize and participate in activities commemorating the centennial of World War I; and

(3) To serve as a clearinghouse for the collection and dissemination of information about events and plans, in Georgia, for the centennial of World War I.

45-13-43.
The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers appropriate to carry out its duties under this Act.

45-13-44.
The commission shall secure directly from any state department or agency such information as the commission considers necessary to carry out the provisions of this Act. Upon the request of the chairperson of the commission, the head of such department or agency shall furnish such information to the commission.

45-13-45.
The commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the commission.

45-13-46.
Gifts, bequests, and devises of services or property, both real and personal, received by the commission provided under this article shall be the only source of funds to cover the costs incurred by the commission under this article. No state funds shall be appropriated for the commission's operation.

45-13-47.
(a) Not later than December 31, 2015, and not later than the last day of each three-month period thereafter, the commission shall submit to the General Assembly and the Governor a report on the activities and plans of the commission.
(b) Not later than June 30, 2017, the commission shall submit to General Assembly and Governor a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

45-13-48.
The commission shall terminate on the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I or July, 28, 2019, whichever date is earlier."

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

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

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

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

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

SB 105. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act making provisions for the Magistrate Court of Chatham County and abolishing the Municipal Court of Savannah, approved March 21, 1984 (Ga. L. 1984, p. 4422), as amended, particularly by Acts approved March 20, 1985 (Ga. L 1985, p. 4028), March 24, 1994 (Ga. L 1994, p. 3772), and March 27, 1995 (Ga. L. 1995, p. 3751), so as to provide for two full-time magistrates for Chatham County; to provide for the appointment of a third full-time magistrate by the Board of Commissioners; to provide for the election and appointment of successor magistrates; to provide for the appointment of pro tempore and part-time magistrates; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

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 Senate has disagreed to the House substitute to the following bill of the Senate:

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor

carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; 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 by substitute, by the requisite constitutional majority, the following bill of the House:

HB 266. By Representative Battles of the 15th:

A BILL to be entitled an Act to amend Code Section 47-1-12 of the Official Code of Georgia Annotated, relating to investment and reinvestment of assets of local retirement system, valuation and limitation on investments, and duties of the state auditor, so as to correct certain provisions relative to the investment authority of local retirement systems; to repeal conflicting laws; and for other purposes.

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

HB 104. By Representatives Dunahoo of the 30th, Sims of the 123rd, Greene of the 151st, Maxwell of the 17th, Kidd of the 145th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the "State Properties Code," so as to clarify applicability of public bidding processes for certain conveyances; to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 232. By Representatives Carter of the 175th, Maxwell of the 17th, Shaw of the 176th and Corbett of the 174th:

A BILL to be entitled an Act to amend Chapter 20 of Title 43 of the Official Code of Georgia Annotated, relating to hearing aid dealers and dispensers, so as to change certain provisions relative to the creation of the State Board of Hearing Aid Dealers and Dispensers, composition, qualifications of members, terms of office, vacancies, and selection of officers; to change certain provisions relating to the issuance of licenses and fees; to change the number of hours of continuing education required for the renewal of a hearing aid specialist license; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 401. By Representatives Efstration of the 104th, Ballinger of the 23rd, Dempsey of the 13th and Broadrick of the 4th:

A BILL to be entitled an Act to amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning; to amend Code Section 16-12-1.1 of the Official Code of Georgia Annotated, relating to restrictions on persons with criminal records with regard to child, family, or group-care facilities, so as to revise terminology; to amend Code Section 25-2-13 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards in buildings presenting special hazards to persons or property, so as to revise terminology; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

HR 885. By Representatives Burns of the 159th, Hitchens of the 161st, Stephens of the 164th and Parrish of the 158th:

A RESOLUTION requesting the State of Georgia, the Georgia Department of Transportation, and electric utility companies in Georgia to consider allowing use of their existing rights of way for pipeline expansion; and for other purposes.

Mr. Speaker:

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

HB 71. By Representatives Tanner of the 9th, Golick of the 40th, Caldwell of the 131st, Atwood of the 179th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Chapter 17 of Title 17 and Chapter 9 of Title 42 of the O.C.G.A., relating to the Crime Victims' Bill of Rights and pardons and paroles, respectively, so as to provide for input and transparency

relative to the granting of a pardon or commutation of a death sentence to a life sentence; to change provisions relating to notifications by the State Board of Pardons and Paroles; to change provisions relating to the State Board of Pardons and Paroles procedure and information gathering when considering the grant of pardon, clemency, or commutation of a death sentence; to provide for exemptions from disclosure; to amend Code Section 50-13-9.1 of the O.C.G.A., relating to variance or waiver to rules, so as to correct an incorrect reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 436. By Representatives Clark of the 101st, Cooper of the 43rd, Sims of the 123rd, Kaiser of the 59th, Hawkins of the 27th and others:

A BILL to be entitled an Act to amend Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, so as to require that physicians and health care providers offer HIV and syphilis testing of pregnant women in their third trimester of pregnancy; to provide for refusal of testing by a pregnant woman; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 933. By Representative Gasaway of the 28th:

A RESOLUTION recognizing and commending Big A Elementary School; and for other purposes.

HR 934. By Representative Efstration of the 104th:

A RESOLUTION commending the 2014-2015 mock trial team for Greater Atlanta Christian School; and for other purposes.

HR 935. By Representatives Wilkerson of the 38th, Smith of the 41st, Dickerson of the 113th, Jones of the 53rd and Stovall of the 74th:

A RESOLUTION recognizing and commending Tabernacle Church of God in Christ on the occasion of its 100th anniversary; and for other purposes.

HR 936. By Representative Gravley of the 67th:

A RESOLUTION congratulating the 2014 Paulding County 8U All-Stars baseball team on their outstanding season; and for other purposes.

HR 937. By Representatives Smyre of the 135th, Hugley of the 136th, Smith of the 134th, Buckner of the 137th and Pezold of the 133rd:

A RESOLUTION honoring the life and memory of Lieutenant Colonel Reginald Leon Pugh, Sr.; and for other purposes.

HR 938. By Representatives Mosby of the 83rd, Oliver of the 82nd, Drenner of the 85th, Williams of the 87th and Mitchell of the 88th:

A RESOLUTION commending the Gladys Cook Scholarship recipients; and for other purposes.

HR 939. By Representatives Wilkerson of the 38th, Smith of the 41st, Dickerson of the 113th, Coleman of the 97th, Jones of the 53rd and others:

A RESOLUTION commending Ridwan Hassen for being selected as a 2015 Rhodes Scholar; and for other purposes.

HR 940. By Representative Lumsden of the 12th:

A RESOLUTION commending Christy Dooley, Chattooga County High School's 2015 STAR Teacher; and for other purposes.

HR 941. By Representative Lumsden of the 12th:

A RESOLUTION commending Kevin Dooley, Chattooga County High School's 2015 STAR Student; and for other purposes.

HR 942. By Representative Lumsden of the 12th:

A RESOLUTION commending Gail Jones, Trion High School's 2015 STAR Teacher; and for other purposes.

HR 943. By Representative Lumsden of the 12th:

A RESOLUTION commending Delaney Marie Becker, Trion High School's STAR Student; and for other purposes.

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

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

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

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

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Albers of the 56th, Millar of the 40th, and Henson of the 41st.

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

HB 374. By Representatives Nix of the 69th, Shaw of the 176th, Carter of the 175th, England of the 116th, Williams of the 119th and others:

A BILL to be entitled an Act to amend Part 5 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to an exemption from ad valorem taxation for certain farm equipment held for sale in dealer inventory, so as to provide for additional qualifications; to repeal conflicting laws; and for other purposes.

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

HB 245. By Representatives Dollar of the 45th, Kelley of the 16th, Powell of the 171st, Atwood of the 179th and Evans of the 42nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to condominiums, so as to change the amount permissible as a special assessment fee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 316. By Representatives Reeves of the 34th, Meadows of the 5th, Smith of the 134th and Ehrhart of the 36th:

A BILL to be entitled an Act to amend Code Section 14-7-4 of the Official Code of Georgia Annotated, relating to professional services provided by professional corporations, so as to provide that the practice of medicine and surgery and optometry shall be considered the practice of only one profession

for purposes of professional corporations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 361. By Representatives Welch of the 110th, Coomer of the 14th, Weldon of the 3rd, Rogers of the 10th, Dickey of the 140th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the O.C.G.A., relating to the Juvenile Code, so as to enact reforms as recommended by the Georgia Council on Criminal Justice Reform with respect to juveniles; to revise defined terms; to clarify and harmonize statutory language; to clarify transfer criteria; to amend Code Section 17-10-14 of the O.C.G.A., relating to committal of person under 17 convicted of felony, so as to correct a cross-reference; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for prosecuting attorneys to be involved in and prosecute cases wherein a child is alleged to be in need of services; to provide for related matters; to provide for an effective date and contingent effective date; to repeal conflicting laws; and for other purposes.

HB 416. By Representatives Rogers of the 29th, Cooper of the 43rd, Rynders of the 152nd, Kidd of the 145th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to professions and businesses, so as to provide for certain identification by health care practitioners to patients with regard to their license; to provide for a short title; to provide for legislative findings; to provide for definitions; to require that advertisements identify a health care practitioner's license; to require identifiers and signage; to provide for applicability; to provide for violations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Representative Mitchell of the 88th moved that the House insist on its position in disagreeing to the Senate substitute to HB 515 and that a Committee of Conference be

appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Rynders of the 152nd, Mitchell of the 88th and Brockway of the 102nd.

HB 429. By Representatives Stephens of the 164th, Wilkinson of the 52nd, Shaw of the 176th, Dollar of the 45th, Rogers of the 29th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that no health benefit plan shall restrict coverage for prescribed treatment based upon the insured's diagnosis with a terminal condition; to provide for definitions; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that no health benefit plan shall restrict coverage for prescribed treatment based upon the insured's diagnosis with a terminal condition; to provide for definitions; to provide for penalties; to provide for certain insurance coverage of autism spectrum disorders; to provide for definitions; to provide for limitations; to provide for premium cap and other conditions; to provide for applicability; to provide for related matters; to provide effective dates; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding a new Code section to read as follows:

"33-24-59.18.

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

(1) 'Health benefit plan' means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or agreement with a health maintenance organization, subscriber contract or agreement, preferred provider organization, accident and sickness insurance benefit plan, or other insurance contract under any other name. The term shall include any health insurance plan established under Article 1 of Chapter 18 of Title 45 and under Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977.'

(2) 'Terminal condition' means any disease, illness, or health condition that a physician has diagnosed as expected to result in death in 24 months or less.

(3) 'Treatment' does not include any medication or medical procedure, regardless of where actually prescribed, dispensed, or administered, which if prescribed, dispensed, or administered in this state would constitute assisted suicide in violation of Code Section 16-5-5.

(b) No health benefit plan shall restrict coverage for treatment of a terminal condition when such treatment has been prescribed by a physician as medically appropriate and such treatment has been agreed to by an insured patient or by a person to whom the insured patient has legally delegated such authority or to whom otherwise has the legal authority to consent on behalf of the insured patient. The health benefit plan shall not refuse to pay or otherwise reimburse for the treatment diagnosed under this subsection, including any drug or device, so long as such end of life care is consistent with best practices for the treatment of the terminal condition and such treatment is supported by peer reviewed medical literature.

(c) A denial or a refusal to pay for treatment prescribed under subsection (b) of this Code section shall be a violation of this Code section.

(d) A violation of this Code section shall be a per se violation of Chapter 6 of this title, and the penalties, procedures, and remedies applicable to violations of Chapter 6 of this title shall be applicable to a violation of this Code section."

SECTION 2A.

Said chapter is further amended by revising Code Section 33-24-59.10, relating to insurance coverage for autism, as follows:

"33-24-59.10.

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

(1) 'Accident and sickness contract, policy, or benefit plan' shall have the same meaning as found in Code Section 33-24-59.1. Accident and sickness contract, policy, or benefit plan shall also include without limitation any health benefit plan established pursuant to Article 1 of Chapter 18 of Title 45. Accident and sickness contract, policy, or benefit plan shall not include limited benefit insurance policies designed, advertised, and marketed to supplement major medical insurance such as accident only, CHAMPUS supplement, dental, disability income, fixed indemnity, long-term care, medicare supplement, specified disease, vision, and any other type of accident and sickness insurance other than basic hospital expense, basic medical-surgical expense, or major medical insurance.

(2) ~~'Autism' means a developmental neurological disorder, usually appearing in the first three years of life, which affects normal brain functions and is manifested by compulsive, ritualistic behavior and severely impaired social interaction and communication skills~~ 'Applied behavior analysis' means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

(3) 'Autism spectrum disorder' means autism spectrum disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

(4) 'Treatment of autism spectrum disorder' includes the following types of care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder:

(A) Habilitative or rehabilitative services, including applied behavior analysis or other professional or counseling services necessary to develop, maintain, and restore the functioning of an individual to the extent possible. To be eligible for coverage, applied behavior analysis shall be provided by a person professionally certified by a national board of behavior analysts or performed under the supervision of a person professionally certified by a national board of behavior analysts;

(B) Counseling services provided by a licensed psychiatrist, licensed psychologist, professional counselor, or clinical social worker; and

(C) Therapy services provided by a licensed or certified speech therapist, speech-language pathologist, occupational therapist, physical therapist, or marriage and family therapist.

(b) ~~An insurer that provides benefits for neurological disorders, whether under a group or individual accident and sickness contract, policy, or benefit plan, shall not deny providing benefits in accordance with the conditions, schedule of benefits, limitations as to type and scope of treatment authorized for neurological disorders, exclusions, cost-sharing arrangements, or copayment requirements which exist in such contract, policy, or benefit plan for neurological disorders because of a diagnosis of autism. The provisions of this subsection shall not expand the type or scope of treatment beyond that authorized for any other diagnosed neurological disorder.~~ Accident and sickness contracts, policies, or benefit plans shall provide coverage for autism spectrum disorders for an individual covered under a policy or contract who is six years of age or under in accordance with the following:

(1) The policy or contract shall provide coverage for any assessments, evaluations, or tests by a licensed physician or licensed psychologist to diagnose whether an individual has an autism spectrum disorder;

(2) The policy or contract shall provide coverage for the treatment of autism spectrum disorders when it is determined by a licensed physician or licensed psychologist that the treatment is medically necessary health care. A licensed physician or licensed psychologist may be required to demonstrate ongoing medical necessity for coverage provided under this Code section at least annually;

(3) The policy or contract shall not include any limits on the number of visits;

(4) The policy or contract may limit coverage for applied behavior analysis to $30,000.00 per year. An insurer shall not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph; and

(5) This subsection shall not be construed to require coverage for prescription drugs if prescription drug coverage is not provided by the policy or contract. Coverage for prescription drugs for the treatment of autism spectrum disorders shall be determined in the same manner as coverage for prescription drugs for the treatment of any other illness or condition is determined under the policy or contract.

(c) Except as otherwise provided in this Code section, any policy or contract that provides coverage for services under this Code section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles, and exclusions to the extent that these provisions are not inconsistent with the requirements of this Code section.

(d) This Code section shall not be construed to affect any obligation to provide services to an individual with an autism spectrum disorder under an individualized family service plan, an individualized education plan as required by the federal Individuals with Disabilities Education Act, or an individualized service plan. This Code section also shall not be construed to limit benefits that are otherwise available to an individual under an accident and sickness contract, policy, or benefit plan.

(e)(1) An insurer, corporation, or health maintenance organization, or a governmental entity providing coverage for such treatment pursuant to this Code section, is exempt from providing coverage for behavioral health treatment required under this Code section and not covered by the insurer, corporation, health maintenance organization, or governmental entity providing coverage for such treatment pursuant to this Code section as of December 31, 2016, if:

(A) An actuary, affiliated with the insurer, corporation, or health maintenance organization, who is a member of the American Academy of Actuaries and meets the American Academy of Actuaries' professional qualification standards for rendering an actuarial opinion related to health insurance rate making, certifies in writing to the Commissioner that:

(i) Based on an analysis to be completed no more frequently than one time per year by each insurer, corporation, or health maintenance organization, or such governmental entity, for the most recent experience period of at least one year's duration, the costs associated with coverage of behavioral health treatment required under this Code section, and not covered as of December 31, 2016, exceeded 1 percent of the premiums charged over the experience period by the insurer, corporation, or health maintenance organization; and

(ii) Those costs solely would lead to an increase in average premiums charged of more than 1 percent for all insurance policies, subscription contracts, or health care plans commencing on inception or the next renewal date, based on the

premium rating methodology and practices the insurer, corporation, or health maintenance organization, or such governmental entity, employs; and

(B) The Commissioner approves the certification of the actuary.

(2) An exemption allowed under paragraph (1) of this subsection shall apply for a one-year coverage period following inception or next renewal date of all insurance policies, subscription contracts, or health care plans issued or renewed during the one-year period following the date of the exemption, after which the insurer, corporation, or health maintenance organization, or such governmental entity, shall again provide coverage for behavioral health treatment required under this subsection.

(3) An insurer, corporation, or health maintenance organization, or such governmental entity, may claim an exemption for a subsequent year, but only if the conditions specified in this subsection again are met.

(4) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation, or health maintenance organization, or such governmental entity, may elect to continue to provide coverage for behavioral health treatment required under this subsection.

(f) Beginning January 1, 2016, to the extent that this Code section requires benefits that exceed the essential health benefits required under Section 1302(b) of the federal Patient Protection and Affordable Care Act, P. L. 111-148, the specific benefits that exceed the required essential health benefits shall not be required of a 'qualified health plan' as defined in such act when the qualified health plan is offered in this state through the exchange. Nothing in this subsection shall nullify the application of this Code section to plans offered outside the state's exchange.

(g) This Code section shall not apply to any accident and sickness contract, policy, or benefit plan offered by any employer with ten or fewer employees.

(h) Nothing in this Code section shall be construed to limit any coverage under any accident and sickness contract policy or benefit plan, including, but not limited to, speech therapy, occupational therapy, or physical therapy otherwise available under such plan.

(i) By January 15, 2017, and every January 15 thereafter, the department shall submit a report to the General Assembly regarding the implementation of the coverage required under this Code section. The report shall include, but shall not be limited to, the following:

(1) The total number of insureds diagnosed with autism spectrum disorder;

(2) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this Code section;

(3) The cost of such coverage per insured per month; and

(4) The average cost per insured for coverage of applied behavior analysis.

All health carriers and health benefit plans subject to the provisions of this Code section shall provide the department with all data requested by the department for inclusion in the annual report."

SECTION 2B.

Said chapter is further amended by revising Code Section 33-24-59.10, relating to insurance coverage for autism, to read as follows:

"33-24-59.10.

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

(1) 'Accident and sickness contract, policy, or benefit plan' shall have the same meaning as found in Code Section 33-24-59.1. Accident and sickness contract, policy, or benefit plan shall also include without limitation any health benefit plan established pursuant to Article 1 of Chapter 18 of Title 45.

(2) 'Autism' means a developmental neurological disorder, usually appearing in the first three years of life, which affects normal brain functions and is manifested by compulsive, ritualistic behavior and severely impaired social interaction and communication skills.

(b) An insurer that provides benefits for neurological disorders, whether under a group or individual accident and sickness contract, policy, or benefit plan, shall not deny providing benefits in accordance with the conditions, schedule of benefits, limitations as to type and scope of treatment authorized for neurological disorders, exclusions, cost-sharing arrangements, or copayment requirements which exist in such contract, policy, or benefit plan for neurological disorders because of a diagnosis of autism. The provisions of this subsection shall not expand the type or scope of treatment beyond that authorized for any other diagnosed neurological disorder."

SECTION 3.

(a) This Act shall become effective on July 1, 2015, except as otherwise provided by subsection (b) of this section.

(b) Section 2B of this Act shall become effective on January 1, 2017, only if the amendment to the Georgia Constitution proposed by HR 808 is ratified by the voters at the November, 2016, general state-wide election, in which event Section 2A of this Act shall stand repealed on January 1, 2017. If such constitutional amendment is not so ratified, then Section 2B of this Act shall not become effective and shall stand repealed on January 1, 2017.

SECTION 4.

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

Pursuant to Rule 133, Representative Kirby of the 114th was excused from voting on HB 429.

Representative Stephens of the 164th moved that the House agree to the Senate substitute to HB 429.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Spencer
E 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	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	E Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	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 LaRiccia	Y Rogers, C	Y Wilkerson
E Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
E Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	E Rynders	Y Williams, A
E Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
E Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 161, nays 0.

The motion prevailed.

HB 99. By Representatives Lumsden of the 12th, Caldwell of the 131st, Willard of the 51st, Powell of the 171st, Quick of the 117th and others:

A BILL to be entitled an Act to amend Article 8 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to joint tenancy with survivorship, so as to provide for tenancy in common when joint tenants divorce or have their marriage annulled, under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 99 by adding on line 33 after the word "annulled" the words "that the party intends to terminate the joint tenancy, identifies the book and page of recordation of the deed creating the joint tenancy"

by adding on line 35 the sentence: The clerk of court shall enter a notation on the deed creating the joint tenancy that the joint tenancy has been converted to a tenancy in common.

The following amendment was read and adopted:

Representative Welch of the 110th moves to amend the Senate amendment to HB 99 as follows:

Strike lines 9-12 to the Senate's amendment #1 to HB 99.

Representative Lumsden of the 12th moved that the House agree to the Senate amendment, as amended by the House, to HB 99.

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

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

Y Cheokas	Y Glanton	E Marin	E Rynders	Y Williams, A
E Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
E Clark, V	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 154, nays 0.

The motion prevailed.

HB 428. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to extend a sales tax exemption for materials to be used in certain construction projects of zoological institutions; 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 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide a state and local sales tax exemption for tangible personal property used for or in the renovation or expansion of an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; to provide a sales tax exemption for an expansion of a museum of natural history; to extend a sales tax exemption for materials to be used in certain construction projects of zoological institutions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, is amended by revising paragraphs (76), (77), and (87) as follows:

"(76)<u>(A) The sale or use of tangible personal property used for or in the renovation or expansion of an aquarium located in this state that charges for admission and that is owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, to the extent provided in subparagraphs (B) and (C) of this paragraph.</u>

(B) This exemption shall apply from July 1, 2015, until January 1, 2017, and until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $750,000.00. A qualifying aquarium must pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from state sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph will not include interest.

(C) This exemption shall apply from July 1, 2015, until January 1, 2017, to any local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases by a contractor may qualify for the exemption provided for in this paragraph. However, when a contractor purchases qualifying tangible personal property, the contractor shall pay the tax at the time of purchase or at the time of first use in this state; and the ultimate owner of the property may file a claim for refund of the tax paid on the qualifying property.

(E) Items qualifying for exemption include all tangible personal property that will remain at the aquarium facility after completion of construction and all tangible personal property that becomes incorporated into the real property structures of the aquarium facility. The exemption excludes all items that remain tangible personal property in the possession of a contractor after the completion of construction;

~~Notwithstanding any provision of Code Section 48-8-63 to the contrary, from June 4, 2003, until January 1, 2007, sales of tangible personal property to, or used in the construction of, an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;~~

(77) ~~Reserved;~~ (A) The sale or use of tangible personal property used for or in the renovation or expansion of a museum of natural history located in this state that charges for admission and that is owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, to the extent provided in subparagraphs (B) and (C) of this paragraph.

(B) This exemption shall apply from July 1, 2015, until January 1, 2017, and until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $300,000.00. A qualifying museum of natural history shall pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from state sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(C) This exemption shall apply from July 1, 2015, until January 1, 2017, to any local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes

authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases by a contractor may qualify for the exemption provided for in this paragraph. However, when a contractor purchases qualifying tangible personal property, the contractor shall pay the tax at the time of purchase or at the time of first use in this state; and the ultimate owner of the property may file a claim for refund of the tax paid on the qualifying property.

(E) Items qualifying for exemption include all tangible personal property that will remain at the museum of natural history after completion of construction and all tangible personal property that becomes incorporated into the real property structures of the museum of natural history. The exemption excludes all items that remain tangible personal property in the possession of a contractor after the completion of construction;"

"(87)(A) ~~Notwithstanding any provision of Code Section 48-8-63 to the contrary, from July 1, 2013, until June 30, 2015, sales of tangible personal property used for and in the renovation or expansion of a zoological institution. (B)~~ The sale or use of tangible personal property used for or in the renovation or expansion of a zoological institution to the extent provided in subparagraphs (B) and (C) of this paragraph. As used in this paragraph, the term 'zoological institution' means a nonprofit wildlife park, terrestrial institution, or facility which:

(i) Is open to the public, charges for admission, exhibits and cares for a collection consisting primarily of animals other than fish, and has received accreditation from the Association of Zoos and Aquariums; and

(ii) Is located in this state and owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(B) This exemption shall apply from July 1, 2016, until June 30, 2018, and until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $350,000.00. A qualifying zoological institution shall pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from state sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(C) ~~Any person making a sale of tangible personal property for the purpose specified in this paragraph shall collect the tax imposed on this sale unless the purchaser furnishes such person with an exemption determination letter issued by the commissioner certifying that the purchaser is entitled to purchase the tangible personal property without paying the tax;~~ (i) This exemption shall apply from July 1, 2016, until June 30, 2018. A qualifying zoological institution shall pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from local sales and use tax by filing a claim for

refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(ii) For purposes of this subparagraph, local sales and use tax shall be defined as any local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases by a contractor may qualify for the exemption provided for in this paragraph. However, when a contractor purchases qualifying tangible personal property, the contractor shall pay the tax at the time of purchase or at the time of first use in this state; and the ultimate owner of the property may file a claim for refund of the tax paid on the qualifying property.

(E) Items qualifying for exemption include all tangible personal property that will remain at the zoological institution after completion of construction and all tangible personal property that becomes incorporated into the real property structures of the zoological institution. This exemption excludes all items that remain tangible personal property in the possession of a contractor after the completion of construction;"

SECTION 2.

This Act shall become effective on July 1, 2015.

SECTION 3.

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

The following amendment was read and adopted:

Representative Stephens of the 164th offers the following amendment:

Amend the Senate Finance Committee substitute to HB 428 (LC 34 4686S) by replacing lines 5 and 6 with the following:

of the Internal Revenue Code; to extend a sales tax exemption for materials to be used in certain

By replacing "(76), (77), and (87)" *with* "(76) and (87)" *on line 12.*

By replacing lines 18 through 20 with the following:

(B) This exemption shall apply from July 1, 2015, until January 1, 2017, or until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds

$750,000.00, whichever occurs first. A qualifying aquarium must pay sales and use tax on all purchases and

By adding a quotation mark at the end of line 44 and by deleting lines 45 through 73.

By replacing lines 86 through 88 with the following:

(B) This exemption shall apply from July 1, 2016, until June 30, 2018, or until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $350,000.00, whichever occurs first. A qualifying zoological institution shall pay sales and use tax on all

Representative Stephens of the 164th moved that the House agree to the Senate substitute, as amended by the House, to HB 428.

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

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

On the motion, the ayes were 128, nays 26.

The motion prevailed.

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Representative Greene of the 151st moved that the House insist on its position in substituting SB 100.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide for the possession of consumer fireworks within a school safety zone; to amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, so as to provide for the sale of consumer fireworks; to provide for definitions; to provide for

the use or explosion of consumer fireworks during certain times and dates and for exceptions; to provide for licensing; to revise penalties; to provide for enforcement of said chapter; to render certain devices unlawful that require a flame for propulsion or lighting; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties and municipal corporations, so as to clarify local governments' role in regulating or prohibiting the sale and use of consumer fireworks; to amend Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to specific, business, and occupation taxes, so as to provide for an excise tax on the sale of consumer fireworks; to provide for criminal penalties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended in Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, by revising paragraph (1) of subsection (b) as follows:

"(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone, ~~or~~ at a school function, or on a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks or consumer fireworks the possession of which is regulated by Chapter 10 of Title 25."

SECTION 2.

Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fireworks, is amended by revising Code Section 25-10-1, relating to definitions, as follows:

"25-10-1.

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

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

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

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

(4) 'Distributor' means any person, firm, corporation, association, or partnership which sells consumer fireworks.

~~(1)~~(5) 'Fireworks' means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, ~~balloons requiring fire underneath to propel them,~~ firecrackers, torpedos, skyrockets, ~~Roman candles,~~ bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

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

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

~~(2)~~(8) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner.

~~(3)~~(9) 'Pyrotechnics' means fireworks.

(11) 'Retail chain' means a person, firm, corporation, association, or partnership with more than one store, where all such stores are collectively known to the public by the same name or share central management.

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

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

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

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

SECTION 3.

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

"25-10-2.

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

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

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

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

(B) Except as provided for in subparagraph (D) of this paragraph and subject to paragraph (4) of this subsection, it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on any day between the hours of 10:00 A.M. and 12:00 Midnight only; provided, however, that it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks on January 1, July 3, July 4, and December 31 of each year between the hours of 12:00 Midnight and 2:00 A.M.

(C) Subject to paragraph (4) of this subsection, it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks anywhere in this state except:

(i) As provided for under subparagraph (A) of this paragraph;

(ii) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or explode or cause to be exploded any consumer fireworks; or

(iii) Within 100 yards of a nuclear power facility or a facility engaged in the retail sale of gasoline or the production, refining, processing, or blending of gasoline for such retail purposes.

(D) Any person, firm, corporation, association, or partnership may use or explode or cause to be exploded any consumer fireworks on any day at a time not provided for under subparagraph (B) of this paragraph if such person, firm, corporation, association, or partnership is issued a special use permit pursuant to the law of a governing authority of a county or municipal corporation for the use or explosion of

consumer fireworks in a location within such county or municipality at a time not provided for under subparagraph (B) of this paragraph. Such special use permit shall designate the time or times and location that such person, firm, corporation, association, or partnership may use or explode or cause to be exploded such consumer fireworks. A fee assessed by a county or municipal corporation for the issuance of a special use permit pursuant to this subparagraph shall not exceed $100.00. No governing authority or official of a county, municipality, or other political subdivision shall bear liability for any decisions made pursuant to this Code section.

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

(B) To the extent otherwise permitted by law, it shall be lawful for any person who is 16 or 17 years of age to possess or transport consumer fireworks, provided that such person is serving as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application pursuant to subsection (c) of Code Section 25-10-5.1 and is not transporting such consumer fireworks on a highway which constitutes a part of The Dwight D. Eisenhower System of Interstate and Defense Highways.

(5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for sale at retail or wholesale any consumer fireworks pursuant to the requirements of this chapter.

(B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for sale at retail or wholesale any consumer fireworks, provided that such person is serving as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application pursuant to subsection (c) of Code Section 25-10-5.1.

(6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer fireworks retail sales facility or store only if such permanent consumer fireworks retail sales facility or store is:

(i) In compliance with the requirements for such a permanent consumer fireworks retail sales facility or store in the selling of consumer fireworks as provided for in NFPA 1124; and

(ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1.

(B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks retail sales stand only if such temporary consumer fireworks retail sales stand is:

(i) In compliance with the requirements for such a temporary consumer fireworks retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;

(ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political subdivision or a fire department connection of a building affiliated with such

consumer fireworks retail sales stand, unless the chief administrative officer of the fire department of a county, municipality, or other political subdivision or chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this title and having operational authority over such location of the temporary consumer fireworks retail sales stand provides in writing that such temporary consumer fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant or fire department connection; and

(iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1.

No distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 shall at any one time operate more than two temporary consumer fireworks retail sales stands for each license issued to such distributor under subsection (b) or (d) of Code Section 25-10-5.1, except that a distributor which is a retail chain and which is licensed pursuant to subsection (d) of Code Section 25-10-5.1 shall not at any one time operate more than two temporary consumer fireworks retail sales stands for each store of such retail chain. Such temporary consumer fireworks retail sales stands shall be located within the same county as the location of such permanent consumer fireworks retail sales facility or store provided for under subsection (b) or (d) of Code Section 25-10-5.1; provided, however, that if a county does not have a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within its boundaries, then a distributor licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1 offering consumer fireworks for sale from a permanent consumer fireworks retail sales facility or store within 75 miles of the perimeter of the boundaries of such county may locate one of the two temporary consumer fireworks retail sales stands in the unserved county.

(C) It shall be unlawful to sell consumer fireworks from any motor vehicle or from a trailer towed by a motor vehicle."

SECTION 4.

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

"25-10-5.1.

(a)(1) A license pursuant to this Code section shall only be issued to a distributor that:

(A) Complies with all the requirements of this chapter; and

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

(2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an application executed pursuant to this Code section shall be guilty of a violation of Code Section 16-10-20.

(b)(1) The initial license fee for a distributor selling consumer fireworks from a permanent consumer fireworks retail sales facility shall be $5,000.00 per location, payable to the Safety Fire Commissioner. Upon a finding that a distributor has met the requirements of paragraph (1) of subsection (a) of this Code section and upon payment of such license fee, such initial license shall be issued by the Safety Fire Commissioner and shall identify the permanent consumer fireworks retail sales facility applicable to such license. Such initial license shall expire on January 31 of the year after such initial license was issued. After such initial license, such distributor may annually renew such initial license for $1,000.00 per year, payable to the Safety Fire Commissioner. Upon finding that a distributor has met the requirements of paragraph (1) of subsection (a) of this Code section and upon payment of such license fee, such annual license shall be issued by the Safety Fire Commissioner and shall identify the permanent consumer fireworks retail sales facility applicable to such license. Such annual license shall expire on January 31 of each year; provided, however, that a distributor shall not apply for an annual license earlier than 30 days prior to the expiration of an initial license or annual license.

(2) The determination by the Safety Fire Commissioner of whether a distributor has met requirements for the issuance of a license required by this subsection shall be made within 15 days of the submission of an application for any such license. Such application shall be in writing and, if the Safety Fire Commissioner provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by the Safety Fire Commissioner. If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by the Safety Fire Commissioner, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the permanent consumer fireworks retail sales facility. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection.

(c)(1) The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand shall be $500.00 per location, payable to the governing authority of the county, municipality, or other political subdivision of this state in whose boundaries such temporary consumer fireworks retail sales stand shall be located or is proposed to be located. Upon finding that a distributor has met the requirements of paragraph (1) of subsection (a) of this Code section, has a license pursuant to subsection (b) or (d) of this Code section for a location applicable to the location of such temporary consumer fireworks retail sales stand as provided for in subparagraph (b)(6)(B) of Code Section 25-10-2, has no more than the allowable temporary consumer fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of Code Section 25-10-2, that the sales of consumer fireworks from such temporary consumer fireworks retail sales stand shall accrue to the benefit of a nonprofit group, and upon payment of such license fee, such license shall be issued by the fire department of the county, municipality, or other political subdivision or the chartered fire department legally organized to operate in this state pursuant to Chapter 3 of this

title and having operational authority of the area in which such temporary consumer fireworks retail sales stand shall be located or is proposed to be located; provided, however, that no such license shall be issued prior to January 1, 2016. Such license shall identify the temporary consumer fireworks retail sales stand applicable to such license and shall expire 90 days after the issuance of such license.

(2) A determination by a fire department as provided for under paragraph (1) of this subsection of whether a distributor has met requirements for the issuance of a license pursuant to this subsection shall be made within 15 days of the submission of an application for any such license. Such application shall be in writing and, if such fire department provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by such fire department. If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by such fire department, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the temporary consumer fireworks retail sales stand. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection.

(3) A nonprofit group benefiting from the sale of consumer fireworks pursuant to this Code section shall directly participate in operating the temporary consumer fireworks retail sales stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative of a nonprofit group to knowingly lend the name of the nonprofit group or allow the identity of the nonprofit group to be used for the license under this subsection if such nonprofit group is not directly participating in operating such temporary consumer fireworks retail sales stand.

(4) The governing authority of a county, municipality, or other political subdivision receiving fees pursuant to this Code section shall expend such fees for public safety purposes.

(5) A distributor licensed pursuant to this subsection shall submit a list of the names and addresses, including the counties, of each temporary consumer fireworks retail sales stand at which such distributor has consumer fireworks offered for sale pursuant to this Code section to the Safety Fire Commissioner. Such list shall be submitted by January 31 of each year and such distributor shall amend such list, or file an initial list if such distributor first becomes licensed after January 31 of a particular year, within 45 days of having such distributor's consumer fireworks offered for sale at a location not previously included on such list. The Safety Fire Commissioner shall make such list publicly available for inspection. In making determinations as provided for under this subsection, fire departments shall reference the list provided for by this paragraph.

(d)(1) The initial license fee for a distributor selling consumer fireworks from a store shall be $5,000.00, payable to the Safety Fire Commissioner, provided that, if a store is a retail chain, one payment of $5,000.00 shall satisfy such license fee for each store of the retail chain. Upon finding that a distributor has met the requirements of paragraph (1) of subsection (a) of this Code section, such initial license shall be issued

by the Safety Fire Commissioner and, if issued to a store which is a retail chain, shall be a license for each current or future store of the retail chain. Such initial license shall expire on January 31 of the year after such initial license was issued. After such initial license, such distributor may annually renew such initial license for $1,000.00 per year, payable to the Safety Fire Commissioner, provided that, if a store is a retail chain, one payment of $1,000.00 shall satisfy such license fee for each store of the retail chain. Upon finding that a distributor has met the requirements of paragraph (1) of subsection (a) of this Code section, such annual license shall be issued by the Safety Fire Commissioner and, if issued to a store which is a retail chain, shall be a license for each current or future store of the retail chain. Such annual license shall expire on January 31 of each year; provided, however, that a distributor shall not apply for an annual license earlier than 30 days prior to the expiration of an initial license or annual license.

(2) The determination by the Safety Fire Commissioner of whether a distributor has met requirements for the issuance of a license required by this subsection shall be made within 15 days of the submission of an application for any such license. Such application shall be in writing and, if the Safety Fire Commissioner provides for a written form for the application for a license pursuant to this Code section, upon such form as may be provided by the Safety Fire Commissioner. If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by the Safety Fire Commissioner, a distributor may seek review from the judge of the probate court of the county of the location or proposed location of the store from which consumer fireworks will be sold. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this subsection."

SECTION 5.

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

"25-10-6.

The state fire marshal shall enforce the provisions of this chapter. Applicable fire departments of a county, municipality, or other political subdivision or a chartered fire department shall refer cases for enforcement under subsection (c) of Code Section 25-10-5.1 to the state fire marshal. All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this chapter are declared to be contraband and may be seized, taken, and removed, or caused to be removed and destroyed at the expense of the owner thereof by the state fire marshal, the Georgia State Patrol, or any sheriff or local police official."

SECTION 6.

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

"25-10-9.

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

SECTION 7.

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

"25-10-10.

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

SECTION 8.

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

"36-60-24.

(a) The governing authority of a county or municipal corporation shall not prohibit the sale or use or explosion of consumer fireworks or products or services which ~~products or services~~ are lawful under subsection (b) of Code Section 25-10-1, unless such prohibition is expressly authorized by ~~the~~ general law ~~of the state~~.

(b) If the sale of a product or service is regulated by ~~subsection (b) of Code Section 25-10-1~~ Chapter 10 of Title 25, the governing authority of a county or municipal corporation shall not enact additional regulation of the sale or use or explosion of such product or service, unless such additional regulation is expressly authorized by general law.

(c) Notwithstanding subsections (a) and (b) of this Code section, the governing authority of a county or municipal corporation may provide for permits or licenses for the sale or use of consumer fireworks as provided for under subsection (c) of Code Section 25-10-5.1.

(d) Notwithstanding subsections (a) and (b) of this Code section, the governing authority of a county may further regulate the sale of consumer fireworks from temporary consumer fireworks retail sales stands.

(e) The governing authority of a county shall not unreasonably delay or deny an application for a temporary consumer fireworks retail sales stand.

(f) For purposes of this subsection, the terms 'consumer fireworks' and 'consumer fireworks retail sales stand' shall have the same meanings as provided in Code Section 25-10-1.

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

SECTION 9.

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

"ARTICLE 7

48-13-130.

As used in this article, the term:

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

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

48-13-131.

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

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

48-13-132.

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

48-13-133.

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

SECTION 10.

This Act shall become effective on July 1, 2015.

SECTION 11.

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

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

Representative Roberts of the 155th moved that the House agree to the Senate substitute to HB 110.

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

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

On the motion, the ayes were 124, nays 41.

The motion prevailed.

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

Mr. Speaker:

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

HB 426. By Representatives Taylor of the 173rd, Smyre of the 135th, Stephens of the 164th, Abrams of the 89th, Sims of the 123rd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide a new exemption from state sales and use tax only for a limited period of time regarding the sale or use of tangible personal property to certain nonprofit health centers; to provide a new exemption for a limited period of time with respect to certain nonprofit volunteer health clinics; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 524. By Representative Fleming of the 121st:

A BILL to be entitled an Act to amend Code Section 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade names, so as to require registration of trade names with the clerk of superior court; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to establish a trade name registry; to provide for duties of clerks of superior courts; to provide for fees; to correct cross-references; to provide for an automatic repeal; to provide for revised fees on and after January 1, 2021; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

HB 180. By Representatives Kidd of the 145th, Epps of the 144th, Yates of the 73rd, Sharper of the 177th and Peake of the 141st:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 4 of Title 38 of the Official Code of Georgia Annotated, relating to the War Veterans' Home, so as to revise residency requirements to qualify for admission to the War Veterans' Home; to repeal conflicting laws; and for other purposes.

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

HB 117. By Representatives Hamilton of the 24th, Pruett of the 149th, Fleming of the 121st, Strickland of the 111th, Kirby of the 114th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the O.C.G.A., relating to employment security, so as to change certain provisions relating to employment security; to modify the definition of the term "most recent employer"; to amend Code Section 50-36-1 of the O.C.G.A., relating to requirements, procedures, and conditions for verification of lawful presence within the United States, exceptions, regulations, and criminal and other penalties for violations, so as to provide a method for such verification of lawful presence that may be utilized in conjunction with the electronic filing of an application for unemployment insurance with the Department of Labor; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain provisions relating to employment security; to modify the definition of the term "most recent employer"; to change certain provisions relating to charging regular benefits paid against the experience rating account; to change certain provisions relating to applications for adjustment or refund; to change certain provisions relating to grounds for disqualification of benefits; to correct a cross-reference; to change certain provisions relating to overpayments; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by revising Code Section 34-8-43, relating to most recent employer, as follows:

"34-8-43.

(a) As used in this chapter and except as otherwise provided in subsection (b) of this Code section, the term 'most recent employer' means, for claims with benefit years that begin on or after July 1, 2015, the last employer for whom an individual worked.

~~(a)~~(b) As used in this chapter and except as otherwise provided in subsection ~~(b)~~ (a) of this Code section, the term 'most recent employer' means, for claims with benefit years that begin on or before June 30, 2015, the last liable employer for whom an individual worked and:

(1) The individual was separated from work for a disqualifying reason;

(2) The individual was released or separated from work under nondisqualifying conditions and earned wages of at least ten times the weekly benefit amount of the claim; or

(3) The employer files the claim for the individual by submitting such reports as authorized by the Commissioner.

~~(b) As used in this chapter, the term 'most recent employer' means, for claims with benefit years that begin on or before December 31, 1991, the last liable employer for whom an individual worked and:~~

~~(1) From whom the individual was separated from work for a disqualifying reason; or~~

~~(2) From whom the individual was released or separated from work under nondisqualifying conditions and earned wages equal to the lesser of $500.00 or eight times the weekly benefit amount of the claim.~~

(c) Where no employer in subsection ~~(a) or~~ (b) of this Code section meets the definition of most recent employer from the beginning of the base period to the date the claim is filed, the last liable employer for whom the individual worked shall be considered as the most recent employer for determining eligibility for benefits.

(d) Where periods of employment with the same liable employer fail, independently, to meet the definition of most recent employer in subsection (a) or (b) of this Code section, such periods of employment may be used cumulatively to determine the most recent employer and eligibility for benefits shall be determined by the reason for separation from the last employment with such employer."

SECTION 2.

Said chapter is further amended by revising Code Section 34-8-157, relating to charging regular benefits paid against the experience rating account, as follows:

"34-8-157.

~~(a) Regular benefits paid with respect to all benefit years that begin on or before December 31, 1991, shall be charged against the experience rating account of employers in the following manner:~~

~~(1) Benefits paid to an individual with respect to the individual's current benefit year shall be charged against the accounts of the individual's base period employers. Charges shall be based upon the pro rata share of wages paid to the individual during the base period. To receive relief of charges to its account, an employer shall furnish, in a timely manner, detailed and specific information as to the reason for separation from employment. If a disqualification is imposed on the claim and the employer has properly submitted its information, the account shall be relieved of charges;~~

~~(2) When the most recent employer, as that term is defined in Code Section 34-8-43, is not a base period employer, a determination shall be made with respect to potential future charges in the event a second benefit year claim is filed. If an individual files a valid claim for unemployment compensation for a second benefit year and is paid unemployment compensation, then those benefits will be charged or relieved against the experience rating account of such employer as provided in this Code section;~~

~~(3) An employer who provided timely response to the department as specified in the regulations of the department may receive relief of charges for benefits paid to an individual under any of the following circumstances:~~

~~(A) An employer subject to benefit charges offers otherwise suitable work to the individual and the job is refused solely because the individual has moved his or her place of residence too far to commute to the job location. The employer must provide timely notice to the Commissioner of the job offer as provided by regulations of the Commissioner; or~~

~~(B) The individual earned base period wages for part-time employment from an employer who:~~

~~(i) Is an interested party because of the individual's loss of other employment;~~

~~(ii) Has provided base period employment and continues to provide employment to the same extent as that part-time employment was provided in the base period of the individual; and~~

~~(iii) Has furnished timely information pursuant to the regulations of the Commissioner; and~~

~~(4) Notwithstanding paragraphs (1) through (3) of this subsection, any employer who has elected to make payments in lieu of contributions is not subject to relief of charges for benefits paid with respect to all benefit years that begin on or before December 31, 1991.~~

~~(b)~~(a) Regular benefits paid with respect to all benefit years that begin on or after January 1, 1992, but prior to July 1, 2015, shall be charged against the experience rating account or reimbursement account of employers in the following manner:

(1) Benefits paid shall be charged to the account of the most recent employer, as that term is defined in Code Section 34-8-43, including benefits paid based upon insured wages which were earned to requalify following a period of disqualification as provided in Code Section 34-8-194;

(2)(A) Except as otherwise provided in paragraph (3) of this subsection, benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual's claim and continuing through the individual's benefit year.

~~(B) In the event the provisions of subparagraph (A) of this paragraph are determined by the United States secretary of labor or by a court of competent jurisdiction at a subsequent level of appeal, such appeal to be taken at the sole discretion of the Commissioner, to be out of conformity with federal law, the provisions of subparagraph (A) of this paragraph shall be considered null and void and the provisions of this subparagraph shall control. Benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual's claim and continuing through the individual's benefit year; provided, however, the portion of such charges for benefits paid which exceed the amount of wages paid by such employer shall be charged against the experience rating account of all base period employers in the manner provided in subsection (a) of this Code section.~~

~~(C)~~(B) Except as otherwise provided in paragraph (3) of this subsection, benefits shall not be charged to the account of an employer when an individual's overpayment is waived pursuant to Code Section 34-8-254.

~~(D)~~(C) Except as otherwise provided in paragraph (3) of this subsection, for the purposes of calculating an employer's contribution rate, an account of an employer shall not be charged for benefits paid to an individual for unemployment that is directly caused by a presidentially declared natural disaster;

(3)(A) An employer shall respond in a timely and adequate manner to a notice of a claim filing or a written request by the department for information relating to a claim for benefits as specified in the rules or regulations prescribed by the Commissioner.

(B) Any violation of subparagraph (A) of this paragraph by an employer or an officer or agent of an employer absent good cause may result in the employer's account being charged for overpayment of benefits paid due to such violation even if the determination is later reversed; provided, however, that upon the finding of three violations of subparagraph (A) of this paragraph within a calendar year resulting in an overpayment of benefits, an employer's account shall be charged for any additional overpayment and shall not be relieved of such charges unless good cause is shown; and

(4) Benefits paid to individuals shall be charged against the Unemployment Trust Fund when benefits are paid but not charged against an employer's experience rating account as provided in this Code section.

(b)(1) Regular benefits paid with respect to all benefit years that begin on or after July 1, 2015, shall be charged against the experience rating account or reimbursement account of the most recent employer as defined in subsection (a) of Code Section 34-8-43, provided that:

(A) The most recent employer is a liable employer, as provided in Code Section 34-8-42; and

(B)(i) The most recent employer separated the individual from work under nondisqualifying conditions, or files the claim for the individual by submitting such reports as authorized by the Commissioner; or

(ii) The individual separated from the most recent employer under nondisqualifying conditions.

(2) Regular benefits to be charged against the experience rating account or reimbursement account of the most recent employer pursuant to paragraph (1) of this subsection shall be charged in the following manner:

(A) Benefits paid shall be charged to the account of the most recent employer as defined in Code Section 34-8-43, including those benefits paid based upon insured wages which were earned to requalify following a period of disqualification as provided in Code Section 34-8-194;

(B) Except as otherwise provided in subparagraph (E) of this paragraph, benefits charged to the account of an employer shall not exceed the amount of wages paid by

such employer during the period beginning with the base period of the individual's claim and continuing though the individual's benefit year;

(C) Except as otherwise provided in subparagraph (E) of this paragraph, benefits shall not be charged to the account of an employer when an individual's overpayment is waived pursuant to Code Section 34-8-254;

(D) Except as otherwise provided in subparagraph (E) of this paragraph, for the purposes of calculating an employer's contribution rate, an account of an employer shall not be charged for benefits paid to an individual for unemployment that is directly caused by a presidentially declared natural disaster;

(E)(i) An employer shall respond in a timely and adequate manner to a notice of a claim filing or a written request by the department for information relating to a claim for benefits as specified in the rules or regulations prescribed by the Commissioner.

(ii) Any violation of division (i) of this subparagraph by an employer or an officer or agent of an employer absent good cause may result in the employer's account being charged for overpayment of benefits paid due to such violation even if the determination is later reversed; provided, however, that upon the finding of three violations of division (i) of this subparagraph within a calendar year resulting in an overpayment of benefits, an employer's account shall be charged for any additional overpayment and shall not be relieved of such charges unless good cause is shown; and

(F) Benefits paid to individuals shall be charged against the Unemployment Trust Fund when benefits are paid but not charged against an employer's experience rating account as provided in this Code section or when the employer is not a liable employer as provided in Code Section 34-8-42.

(c)(1) Payments of extended benefits as provided in Code Section 34-8-197 shall be charged to an employer's experience rating account in the same proportion as regular benefits are charged, except an employer shall be charged for only 50 percent of its portion of the extended benefits paid for all weeks after the first week of extended benefits; provided, however, that benefits paid that are attributable to service in the employ of any governmental entity as described in subsection (h) of Code Section 34-8-35 shall be financed in their entirety by such governmental entity which is charged as provided in this Code section.

(2) As provided by 26 U.S.C. Section 3304, only 50 percent of extended benefits paid shall be charged to the individual's employers as described in paragraph (1) of this subsection. However, if the federal government does not reimburse the 50 percent for the first week of extended benefits paid, employers shall be charged 100 percent of such first week of extended benefits paid. When employers have been determined to be relieved from charges, such payments shall be charged against the Unemployment Trust Fund in the appropriate amount.

(d) The Commissioner shall by regulation provide for the notification of each employer of charges made against its account at intervals not less frequent than semiannually. The charges in such notification shall be binding upon each employer for all purposes

unless the employer files a request for review and redetermination in writing. Such request must set forth the charges to which the employer objects and the basis of the objection. The request must be made within 15 days of the prescribed notification. Upon such request being filed, the employer shall be granted an opportunity for a fair hearing. However, no employer shall have standing in any proceeding to contest the chargeability to its account of any benefit paid in accordance with a determination, redetermination, or decision pursuant to Articles 7 and 8 of this chapter, except upon the ground that the services upon which such benefits were found to be chargeable did not constitute services performed in employment for the employer and only in the event that the employer was not a party to such determination, redetermination, or decision, or to any other proceedings under this chapter in which the character of such services was determined. The employer shall be promptly notified of the Commissioner's redetermination. The redetermination shall become final unless a petition for judicial review is filed within 15 days after notice of redetermination. Such notice shall be mailed or otherwise delivered to the employer's last known address. The petition for judicial review shall be filed in the Superior Court of Fulton County or in the superior court of the county of residence of the petitioner. In any proceeding under this Code section, the findings of the Commissioner as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. No additional evidence shall be received by the court, but the court may order additional evidence to be taken before the Commissioner. The Commissioner may, after hearing such additional evidence, modify the determination and file such modified determination, together with a transcript of the additional record, with the court. Such proceedings shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under Articles 7 and 8 of this chapter and Chapter 9 of this title. An appeal may be taken from the decision of the Superior Court of Fulton County or the superior court of the county of residence of the petitioner to the Court of Appeals of Georgia in the same manner as is provided in civil cases."

SECTION 3.

Said chapter is further amended by revising Code Section 34-8-164, relating to applications for adjustment or refund, as follows:

"34-8-164.

Applications for an adjustment or a refund of contributions, payments in lieu of contributions, or interest thereon, shall be submitted no later than three years from the date such amounts were assessed. Applications must be in writing. The Commissioner shall determine what amounts, if any, were erroneously collected. Adjustments shall be made against subsequent payments. Refunds will be issued, without interest thereon, when adjustments cannot be made. At the option of the Commissioner, the Commissioner may ~~initiate~~ make any adjustments or refunds deemed appropriate for any amounts erroneously collected where no written request for a refund or an adjustment has been received, provided such amounts were assessed within the last

~~three~~ seven years. Amounts shall be refunded from the fund into which they were deposited."

SECTION 4.

Said chapter is further amended by revising paragraph (1) of Code Section 34-8-194, relating to grounds for disqualification of benefits, as follows:

"(1)(A) For the week or fraction thereof in which the individual has filed an otherwise valid claim for benefits after such individual has left the most recent employer voluntarily without good cause in connection with the individual's most recent work.

(B) Good cause in connection with the individual's most recent work shall be determined by the Commissioner according to the circumstances in the case; provided, however, that the following circumstances shall be deemed to establish such good cause and the employer's account shall not be charged for any benefits paid out to an individual who leaves an employer:

(i) To ~~leaving an employer to~~ accompany a spouse who has been reassigned from one military assignment to another ~~shall be deemed to be for good cause; provided, however, that the employer's account shall not be charged for any benefits paid out to the person who leaves to accompany a spouse reassigned from one military assignment to another.~~; or

(ii) Due to family violence verified by reasonable documentation demonstrating that:

(I) Leaving the employer was a condition of receiving services from a family violence shelter;

(II) Leaving the employer was a condition of receiving shelter as a resident of a family violence shelter; or

(III) Such family violence caused the individual to reasonably believe that the claimant's continued employment would jeopardize the safety of the claimant or the safety of any member of the claimant's immediate family.

For purposes of this subparagraph, the term 'family violence' shall have the same meaning as in Code Section 19-13-1 and the term 'family violence shelter' shall have the same meaning as in Code Section 19-13-20.

(C) To requalify following a disqualification, an individual must secure subsequent employment for which the individual earns insured wages equal to at least ten times the weekly benefit amount of the claim and then becomes unemployed through no fault on the part of the individual.

(D) ~~Notwithstanding the foregoing, in the Commissioner's determination the~~ When voluntarily leaving an employer, the burden of proof of good ~~work connected~~ cause ~~for voluntarily leaving such work~~ in connection with the individual's most recent work shall be on the individual.

(E) Benefits shall not be denied under this paragraph~~, however,~~ to an individual for separation from employment pursuant to a labor management contract or agreement or pursuant to an established employer plan, program, policy, layoff, or recall which

permits the individual, because of lack of work, to accept a separation from employment;"

SECTION 5.

Said chapter is further amended by revising paragraph (1) of Code Section 34-8-159, relating to specific provisions for payments in lieu of contributions, as follows:

"(1) **Date payment due.** Upon approval by the Commissioner, at the end of each calendar quarter or at the end of such other period as determined by the Commissioner, each organization or group of organizations shall be billed for payments in lieu of contributions charged to it during such quarter or other prescribed period in accordance with Code Section 34-8-158. Provisions applicable to contributing employers in ~~subsection (a) of~~ Code Section 34-8-157 under which employers may not be charged do not apply to employers who make payments in lieu of contributions;"

SECTION 6.

Said chapter is further amended by revising Code Section 34-8-254, relating to overpayments, by adding a new subsection to read as follows:

"(e) Any action to recover an overpayment shall be brought by the Commissioner or an authorized representative of the Commissioner within seven years from the release date of the notice of determination and overpayment by the department."

SECTION 7.

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

SECTION 8.

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

Representative Hamilton of the 24th moved that the House agree to the Senate substitute to HB 117.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	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	E 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	Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	E Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	E Taylor, T
E 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Gasaway	Y Lumsden	Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	E 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
Coleman	Y Greene	Y McCall	Y Shaw	Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 161, nays 0.

The motion prevailed.

HB 510. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 34 of Title 50 of the Official Code of Georgia Annotated, relating to the OneGeorgia Authority, so as to provide for the creation of the Georgia Sports Commission Fund; to define certain terms; to provide for gifts and contributions; to provide for a committee to manage such fund; to provide for members; to provide conditions for obtaining grants and loans from such fund; to provide for an accounting; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 34 of Title 50 of the Official Code of Georgia Annotated, relating to the OneGeorgia Authority, so as to provide for the creation of the Georgia Sports Commission Fund; to define certain terms; to provide for gifts and contributions; to provide for a committee to manage such fund; to provide for members; to provide

conditions for obtaining grants and loans from such fund; to provide for an accounting; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 50 of the Official Code of Georgia Annotated, relating to the OneGeorgia Authority, is amended by adding a new Code section to read as follows:

"50-34-19.

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

(1) 'Fund' means the fund established pursuant to paragraph (1) of subsection (b) of this Code section.

(2) 'Qualified expense' means the expenditure of moneys by a registered sports commission which are used to cover the initial costs of hosting a sporting event or payment of an up-front fee for the privilege of hosting a sporting event.

(3) 'Registered sports commission' means a sports commission that has registered with the authority.

(4) 'Sports commission' means an organization that shall have bona fide experience in sports marketing, or in attracting, or hosting sporting events and is designated with managing the bid process to attract professional and amateur sporting events to a county, municipality, or consolidated government.

(b)(1) There is established as a separate fund of the authority a fund to be known as the Georgia Sports Commission Fund. Funds for the Georgia Sports Commission Fund and for the administration of such fund shall be provided from any source allowable by law, including, without limitation, contributions to the fund from federal, state, local, or private sources, and any interest or earnings made from the investment of such funds; provided, however, that the fund shall not receive any part of the proceeds paid to the state pursuant to funds received by the state pursuant to the settlement of the lawsuit filed by the state against certain tobacco companies (State of Georgia, et al. v. Philip Morris, Inc., et al., Civil Action #E-61692, V19/246, Fulton County Superior Court, December 19, 1998).

(2) The authority shall maintain the fund separately from any other funds of the authority. All balances in the fund shall be deposited in interest-bearing accounts.

(3)(A) The fund shall be managed by a committee consisting of five voting members appointed as follows:

(i) Three members shall be appointed by the Governor, at least one of whom may be affiliated with the tourism industry;

(ii) One member shall be appointed by the President of the Senate and may be a current or former athletic coach of a college or university within this state; and

(iii) One member shall be appointed by the Speaker of the House of Representatives and may be a current or former athletic administrator of a public or private college or university within this state.

(B) The commissioner of community affairs and the commissioner of economic development shall be nonvoting ex officio members of the committee.

(4) One or more sports commissions may register with the authority and become a registered sports commission by certifying to the authority, in a manner to be determined by the authority, that such sports commission has available a minimum of $10,000.00 in cash on hand or readily convertible assets for the payment of qualified expenses.

(5) Upon application to the committee, a registered sports commission or a local government on behalf of a registered sports commission whose activities are deemed of value to the purposes of the authority may receive from the fund one or more grants for the purpose of defraying qualified expenses related to those activities; provided, however, that no funds derived from such grant or grants shall count toward the minimum cash on hand or readily convertible assets required under paragraph (4) of this subsection; and provided, further, that the registered sports commission shall demonstrate to the satisfaction of the committee that the amount of the grant shall be recouped through tax collections as a result of the event.

(6) The authority shall prepare, by September 30 of each year, an accounting of the moneys received and expended from the fund for the most recently completed fiscal year. The report shall be made available electronically to the members of the General Assembly and shall be public record."

SECTION 2.

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

Representative Stephens of the 164th moved that the House agree to the Senate substitute to HB 510.

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

On the motion, the ayes were 135, nays 29.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 31-12-3.2 of the Official Code of Georgia Annotated, relating to meningococcal disease vaccinations and disclosures, so as to revise provisions regarding vaccination against meningococcal disease of college students; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, so as to authorize the administration of vaccines by pharmacists or nurses pursuant to vaccine protocol agreements with physicians; to provide for definitions; to provide requirements for the content of vaccine protocol agreements; to provide that a party to a

vaccine protocol agreement shall not delegate his or her authority; to limit the number of vaccine protocol agreements into which a physician may enter at any one time; to prohibit certain entities from entering into vaccine protocol agreements; to provide for rules and regulations; to provide for limited liability; to provide for applicability; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

SECTION 2.

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

"43-34-26.1.

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

(1) 'Administer' means the provision of a unit dose of ~~influenza~~ vaccine by a pharmacist or nurse pursuant to ~~an influenza~~ a vaccine order contained in ~~an influenza~~ a vaccine protocol agreement with a physician.

(2) 'Adverse event' means an event that is a negative consequence of the administration of ~~influenza~~ vaccine by a pharmacist or nurse that results in an unintended reaction, injury, or illness, which may or may not have been preventable.

(3) 'Board' means the Georgia Composite Medical Board.

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

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

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

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

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

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

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

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

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

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

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

(b) A physician engaged in the active practice of medicine may prescribe ~~influenza~~ a vaccine for a group of patients via ~~an influenza~~ a vaccine order contained in ~~an influenza~~ a vaccine protocol agreement to be administered by a pharmacist, provided

the physician is registered with the vaccination registry established by the Department of Public Health pursuant to Code Section 31-12-3.1, commonly known as the Georgia Registry of Immunization Transactions and Services~~,~~; the pharmacist is located within the county of the physician's place of registration with the vaccination registry or a county contiguous thereto~~, and~~; the pharmacist holds current certification in Basic Cardiac Life Support and has completed a course of training accredited by the Accreditation Council for Pharmacy Education or similar health authority or professional body approved by the Georgia State Board of Pharmacy; and the pharmacist completes a training program recognized by the Centers for Disease Control and Prevention in the basics of immunology which focuses on practice implementation and legal and regulatory issues, composed of: (1) at least 12 hours of self-study and an assessment exam; (2) at least eight hours of live seminar with a final exam; and (3) a hands-on assessment of intramuscular and subcutaneous injection technique. A physician who is a party to ~~an influenza~~ a vaccine protocol agreement may also prescribe epinephrine via ~~an influenza~~ a vaccine order contained in ~~an influenza~~ a vaccine protocol agreement for administration by a pharmacist upon the occurrence of an actual or perceived anaphylactic adverse reaction to the administered ~~influenza~~ vaccine provided that the ~~influenza~~ vaccine protocol agreement sets forth the signs and symptoms that warrant the administration of epinephrine.

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

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

(1) Contain the current names, addresses, telephone numbers, and professional license numbers of the physician and the pharmacist or nurse;

(2) Contain a provision for immediate consultation between the pharmacist or nurse and the physician. If the physician is not available, the physician for purposes of consultation may designate another physician who concurs with the terms of the ~~influenza~~ vaccine protocol agreement;

(3) Require the pharmacist or nurse to take a complete case history and determine whether the patient has had a physical examination within the past year and shall not

administer a vaccine to a patient with any condition for which such vaccine is contraindicated;

~~(3)~~(4) Require the pharmacist or nurse to provide the ~~influenza~~ vaccine recipient with the appropriate and current Vaccine Information Statement ~~(VIS)~~ as provided by the ~~federal~~ Centers for Disease Control and Prevention;

(5) Require the pharmacist or nurse to provide written information to the vaccine recipient to be developed by the Department of Public Health on the importance of having and periodically seeing a primary care physician;

(6) Require the pharmacist or nurse to provide each new vaccine recipient with a personal immunization card on card stock paper containing the vaccine recipient's name, the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine, the location of injection on the vaccine recipient, and the date of the administration of the vaccine in legible writing or printed type in a format made available by the Department of Public Health. The patient shall produce such card when he or she has subsequent vaccines and the pharmacist or nurse shall update such card, unless the patient does not have such card, in which case, a new card shall be provided. The written information required pursuant to paragraph (5) of this subsection may be included on the card provided pursuant to this paragraph;

~~(4)~~(7) Require the pharmacist or nurse or his or her employer to retain documentation of each dose of ~~influenza~~ vaccine administered. Such documentation shall include, but not be limited to:

(A) The administering pharmacist's or nurse's name, address, telephone number, and professional license number;

(B) The name, dose, manufacturer, and lot number of the ~~influenza~~ vaccine;

(C) The vaccine recipient's name, address, date of birth, and telephone number;

(D) The date of administration and injection site;

(E) A signed and dated consent form by which the vaccine recipient acknowledges receipt of the ~~VIS~~ Vaccine Information Statement, ~~and~~ consents to the administration of the ~~influenza~~ vaccine, and authorizes the pharmacy or nurse to notify the vaccine recipient's primary care provider of the vaccine administered to the vaccine recipient; and

(F) Any adverse events or complications that occur;

(8) Require the pharmacist or nurse to make documented reasonable efforts to obtain the name of the vaccine recipient's primary care provider and to notify such primary care provider of the vaccine administered by the pharmacist or nurse within 72 hours of administration;

(9) Require the pharmacist or nurse to administer the vaccine to a patient in a private room, area with a privacy screen, or other interior area in which the patient's privacy can be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient in a manner that is designed so that the patient can be served while remaining in his or her personal vehicle. This paragraph shall not apply to mass immunizations in the event of a public health emergency or for purposes of training in which

vaccinations are administered to large groups of people at one or more locations in a short interval of time;

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

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

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

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

(14) Require the pharmacist or nurse to maintain individual liability insurance coverage or be individually covered by his or her employer's liability insurance coverage in an amount not less than $250,000.00 to cover claims arising from administration of vaccines by the pharmacist or nurse pursuant to a vaccine protocol agreement and to provide proof of such coverage to the physician for submission to the board with the vaccine protocol agreement. The pharmacist or nurse shall also retain a copy of the proof of insurance coverage, including the name of the insurer and policy number, onsite at his or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon request;

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

(16) Require the pharmacist or nurse to submit a signed and notarized affidavit to the physician attesting to the following:

(A) Compliance with paragraph (14) of this subsection regarding maintenance of liability insurance;

(B) Verification that the pharmacist or nurse holds current certification in Basic Cardiac Life Support as required by subsections (b) and (c) of this Code section and, for pharmacists, verification of completion of immunology training as required by subsection (b) of this Code section;

(C) The pharmacist or nurse has a copy of the vaccine protocol agreement and agrees to comply with its requirements; and

(D) Identification of the pharmacist's or nurse's location or locations in which he or she will be administering vaccinations pursuant to the vaccine protocol agreement.

The pharmacist or nurse shall keep a copy of the affidavit onsite at his or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon request. The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in accordance with subsection (r) of this Code section on any person subject to the requirements of this paragraph who does not submit the information required by this paragraph and to notify the delegating physician and the applicable licensing board for such person of violations of this paragraph; and

~~(9)~~(17) Be renewed and, if necessary, revised or updated biennially by the physician and the pharmacist or nurse. A ~~An influenza~~ vaccine protocol agreement that is not renewed biennially shall expire.

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

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

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

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

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

(j) A delegating physician may not enter into ~~an influenza~~ a vaccine protocol agreement with more than ten pharmacists or nurses, or any combination thereof, at any one time; provided, however, and notwithstanding the geographic limitations provided in subsections (b) and (c) of this Code section, a delegating physician may enter into ~~an influenza~~ a vaccine protocol agreement with more than ten pharmacists or nurses, or

any combination thereof, at any one time so long as the pharmacists or nurses are in the same public health district as established pursuant to Code Section 31-3-15 and are employees or agents of the same corporate entity.

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

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

(1) Require that the ~~influenza~~ vaccine protocol agreement, along with the affidavit by the pharmacist or nurse submitted pursuant to paragraph (16) of subsection (d) of this Code section and the proof of insurance required pursuant to paragraph (14) of subsection (d) of this Code section, be filed by the physician with the board and be made available by the board for public inspection; and

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

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

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

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

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

(3) The acts or omissions of a pharmacist or nurse pursuant to ~~an influenza~~ a vaccine protocol agreement including the administration of ~~influenza~~ a vaccine or epinephrine.

Nothing in this subsection shall be interpreted as altering liability of an employer for acts of his or her employees.

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

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

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

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

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

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

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

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

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

(2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine protocol agreement as required by this Code section may be assessed a fine of up to $2,500.00 and may be prohibited from administering vaccines pursuant to this Code section for up to one year as determined by the board.

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

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

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

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

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

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

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

(5) A pharmacist or nurse who knowingly does not comply with paragraph (10) or (16) of subsection (d) of this Code section may be subject to the following sanctions by the Georgia Drugs and Narcotics Agency:

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

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

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

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

SECTION 3.

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

Representative Cooper of the 43rd moved that the House agree to the Senate substitute to HB 504.

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
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	E Duncan	Y Jasperse	Y Powell, J	Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	E Taylor, T
E 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	Y Jones, S	Y Raffensperger	Y Thomas, E
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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	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	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Hamilton	Y McClain	Sims	Ralston, Speaker

On the motion, the ayes were 165, nays 0.

The motion prevailed.

Representative Peake of the 141st assumed the chair.

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

SB 156. By Senators Tippins of the 37th, Wilkinson of the 50th, Millar of the 40th, Shafer of the 48th, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Article 31A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to state charter schools, so as to authorize the State Charter Schools Commission to establish a nonprofit foundation; 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 Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
Y Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
N Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
E Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
E Fleming
Y Floyd
Y Fludd
N Frazier
N Frye
Y Gardner
Y Gasaway
E Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
E Holmes
Y Houston
Y Howard
N Hugley
N Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Jones, L
Y Jones, S
N Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
N McClain
Y Meadows
Y Mitchell
Y Morris
Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
N Prince
N Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
N Scott
Y Setzler
Y Sharper
Y Shaw
Sims
N Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 151, nays 13.

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

The Speaker assumed the Chair.

SR 126. By Senator Gooch of the 51st:

A RESOLUTION honoring the life of Mr. Bill T. Hardman and dedicating a road in his memory; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, Mr. Bill T. Hardman was named Georgia's first tourism director of the Georgia Department of Industry and Trade in 1959 and was charged with the responsibility of building this state's hospitality industry; and

WHEREAS, Mr. Hardman established and served as president of the Southern Travel Directors' Council, conducted the first Governor's Conference on Tourism in this country, and promoted Georgia at travel conferences around the United States, Canada, and Europe; and

WHEREAS, he helped organize and served as chairman of the National Association of Travel Organizations and served on the organization's board of directors for 49 years; and
WHEREAS, Mr. Hardman developed the concept of building Welcome Centers at major highway entrances for the State of Georgia; and

WHEREAS, in 1991 he created the Southeast Tourism Society's Marketing College at the University of North Georgia; each year 300 students from 12 southern states travel to Dahlonega to participate in this tourism oriented school, which has 879 graduates to date; and

WHEREAS, he was active in the effort to preserve and restore Lumpkin County's original courthouse, which now serves as Dahlonega's Gold Museum, and was part of the group of local civic boosters who led a wagon train loaded with gold mined in Dahlonega to the State Capitol to promote Dahlonega as a major tourism destination; and

WHEREAS, in his beloved hometown of Dahlonega, Mr. Hardman organized the Christmas Decorating Contest for Dahlonega merchants and raised funds to restore and display the Dahlonega Diving Bell, a relic from 1875 found in the Chestatee River; and

WHEREAS, Mr. Hardman was awarded the Tourism Lifetime Achievement Award by the State of Georgia and was inducted into the Atlanta Hospitality Hall of Fame.

PART II

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, E-4 Roger Dorsey demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Navy, valiantly and courageously defending his fellow citizens during the Vietnam War on the Air Craft Carrier *Intrepid* as an E-4 and working on the aircraft departing and coming from Vietnam; and

WHEREAS, E-4 Dorsey earned a bachelor's degree from the University of Tennessee at Chattanooga and served as the owner and operator of the Lil Pig Convenience Store in Rossville for 22 years; and

WHEREAS, a proud member of the VFW Post #3679, E-4 Dorsey was awarded the Republic of Vietnam Campaign Medal and the National Defense Service Medal; and

WHEREAS, E-4 Dorsey embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART III

WHEREAS, White County in Northeast Georgia is geographically considered part of the Appalachian mountain range; and

WHEREAS, the cities of Cleveland and Helen in White County have promoted Cleveland as the gateway to the Appalachian mountain range for more than 20 years; and

WHEREAS, the Appalachian Trail runs through White County and provides access to Cleveland and Helen; and

WHEREAS, White County was designated as an official "Appalachian Trail Community" in 2012 by the Appalachian Trail Conservancy; and

WHEREAS, White County is well known for its Appalachian folk potter face jugs and is home to famous folk potter families including the Meaders, Hewell, Dorsey, and Ferguson families; and

WHEREAS, the county is home to the Sautee Nacoochee Center, which includes an American Heritage site featuring 19th century Appalachian artifacts which is used as an American Appalachia teaching exhibit; and

WHEREAS, Cleveland and Helen in White County are well known in the field of Appalachian heritage arts, promoting and developing educational programs to keep the Appalachia visual and performing arts alive; and

WHEREAS, Cleveland is home to Xavier Roberts, founder of Original Appalachian Artworks, where his Appalachian, handcrafted Little People heirloom dolls, now known as Cabbage Patch Kids, were created; and

WHEREAS, White County has been designated as part of Appalachia by the federal government and is eligible for grants from the Appalachian Regional Commission.

PART IV

WHEREAS, Mr. Frank L. Danchetz has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Georgia Department of Transportation; and

WHEREAS, Mr. Danchetz earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and dedicated his career to the Georgia Department of Transportation for 34 years of superlative service in offices such as Environment and Location and Urban Design, with ten years as Chief Engineer; and

WHEREAS, he was a professional mentor to many of the senior managers that currently lead the department, and was instrumental in creating excellent relationships for the department as a liaison to federal, state, and local legislators for project information; and

WHEREAS, he has been recognized with numerous honors and accolades, including the Thomas H. MacDonald Memorial Award for continuous outstanding service over an extended period to the art and science of highway engineering; and

WHEREAS, his leadership and guidance were instrumental to AASHTO, where he served as vice chairperson for the Standing Committee on Highways, as a member of the standing committee on Research and the Asset Management Task Force, and held leadership positions on the special committee on Environment, Archeology, and Historic Preservation; the standing committee on Environment; and the National Transportation Product Evaluation Program; and

WHEREAS, Mr. Danchetz was a pillar of support and institution of service for the Georgia Department of Transportation, contributing some of the best years of his life to the betterment of transportation; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for this dedicated public servant by dedicating a road in his honor.

PART V

WHEREAS, Mr. Paul V. Liles, Jr., has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Georgia Department of Transportation; and

WHEREAS, Mr. Liles earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and dedicated his career to the Georgia Department of Transportation with nearly four decades of superlative service, 22 years of which were as the State Bridge Engineer; and

WHEREAS, he is an institution in the bridge and structural engineering world and has served on a variety of committees for both state and national organizations over the years, including AASHTO's Seismic, Construction, Concrete, Welding, Polymer Composites, and Security committees and the Transportation Research Board's General Structures, Concrete Bridges, Steel Bridges, Structural Fiber Reinforced Plastics, and Bridge Management committees; and

WHEREAS, a registered professional engineer, Mr. Liles holds the title of longest serving employee at the department with 45 years of dedicated and professional activities on his record; and

WHEREAS, his influence, role, and impact on engineering and bridge design in the State of Georgia is truly meaningful and will be valued for generations to come; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for this dedicated public servant by dedicating a bridge in his honor.

PART VI

WHEREAS, Senator Lawrence (Bud) Stumbaugh has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a graduate of Lipscomb University, Senator Stumbaugh's professional career includes roles as a professional manager, entrepreneur, motivational speaker, and public servant; and

WHEREAS, Senator Stumbaugh diligently and conscientiously devoted his time, talents, and energy to the citizens of Georgia as a member of the Georgia State Senate for 16 years; and

WHEREAS, during the eight terms Senator Stumbaugh served in the Senate, his leadership and bi-partisan spirit were evident as chairman of the Senate Insurance Committee; and

WHEREAS, he has spoken before sales management groups, civic clubs, political forums, and school, religious, and business functions in 26 states; and

WHEREAS, Senator Stumbaugh grew one of his companies, Team Services, Inc., to 1,500 employees in 39 states and helped make it the 29th fastest growing corporation in America before selling it on the London Stock Exchange; and

WHEREAS, he has served on the Board of Founders for Lipscomb University and the Board of Trustees for Faulkner University; and

WHEREAS, during his tenure with the Georgia Senate, Senator Stumbaugh served as vice chairperson for the Metropolitan Atlanta Rapid Transit Overview Committee; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his honor.

PART VII

WHEREAS, Captain Herbert "Herb" Lee Emory was born on April 2, 1953, in Transylvania County, North Carolina; and

WHEREAS, Captain Herb moved to Atlanta in 1971 to attend the Atlanta School of Broadcasting and National School of Broadcasting and began serving as a traffic reporter in Atlanta; and

WHEREAS, throughout his career, Captain Herb worked with numerous local radio stations, including WSNE of Cumming, WDGL of Douglasville, WFOM of Marietta, WACX of Austell, WQXI-AM, 94 Q-Star 94, and Georgia Network News; and

WHEREAS, in 1991 Captain Herb moved to WSB Radio and *Channel 2 Action News*, where he initiated and helped build the traffic team system and infrastructure, including the concepts of "Red Alerts" and "Triple Team Traffic" which countless Atlanta commuters grew to rely upon for accuracy and up-to-the-minute traffic advisories; and

WHEREAS, Captain Herb's commitment to helping Atlanta's drivers navigate traffic with ease is evident by his numerous awards and accolades, including at least 15 First Place Awards, including two Green Eyeshades, for news and traffic reports from the Georgia Associated Press Association, and his induction into the Georgia Radio Hall of Fame in 2008; and

WHEREAS, his generosity of spirit and compassion for others was also widely recognized as he hosted the annual Toys for Tots fundraiser at Fred's Barbeque House in Lithia Springs, volunteered with the Douglas County Boys and Girls Club, was a dedicated member of the Douglas County Animal Control Advisory Board, served on the Friends of Sweetwater Creek State Park Board of Directors, and raised awareness against drinking and driving; and

WHEREAS, Captain Herb passed away on April 12, 2014, doing what he did best–helping others, and his presence and work has been sorely missed by the Atlanta community; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for the life's work of this Atlanta icon by dedicating a road in his memory.

PART VIII

WHEREAS, Mrs. Runell "Nell" Brooks Foster was born on March 27, 1906, a beloved daughter of George B. and Emma Palmer Brooks; and

WHEREAS, the youngest of 12 children, Mrs. Foster's father was a prominent farmer and land owner and she grew up on the family farm which consisted of more than 150 acres that spanned across what is now the intersection of U.S. Highway 78 and Rosebud Road; and

WHEREAS, she attended Midway School, where she later went on to return as a teacher, and is the oldest living graduate of Grayson High School; and

WHEREAS, Mrs. Foster was united in love and marriage to her high school sweetheart, Clyde Foster, on February 12, 1928, and after the couple lived for a short time in Atlanta, they returned to the corner of Rosebud Road and U.S. Highway 78 to live in the rock house at the intersection; and

WHEREAS, now a centenarian, Mrs. Foster has lived on Rosebud Road and U.S. Highway 78 for 83 years and raised three daughters, Mary, Pat, and Sara, there; and

WHEREAS, Mr. Foster owned and operated Foster's Service Station across from the family home for 45 years; and

WHEREAS, for decades, the Foster's rock home has served as a landmark in the area, and it is abundantly fitting and proper that the intersection be dedicated in honor of Mrs. Foster and her family.

PART IX

WHEREAS, Ms. Gladys Maria Knight was born on May 28, 1944, in Atlanta, Georgia, the beloved daughter of Sarah Elizabeth and Merald Woodlow Knight, Sr.; and

WHEREAS, known as the "Empress of Soul," Ms. Knight is a world renown recording artist, songwriter, businesswoman, humanitarian, and author; and

WHEREAS, her group, Gladys Knight & the Pips, was known for its award winning motown sound and R&B with hits such as "I Heard It Through the Grapevine," "Neither One of Us (Wants to Be the First to Say Goodbye)," "Midnight Train to Georgia," and "You're the Best Thing That Ever Happened to Me"; and

WHEREAS, Ms. Knight's Grammy Award winning performances include "That's What Friends Are For," "Superwoman," "Missing You," and "Heaven Help Us All"; and

WHEREAS, she earned the title of Best Traditional R&B Vocal Album from the Grammy's for her work on *At Last* and Best Gospel Choir or Chorus Album for *One Voice*; and

WHEREAS, in addition to her amazing musical talent, Ms. Knight is a talented actress, earning a Golden Globe Best New Actress nomination for her role in *Pipe Dreams*; and

WHEREAS, Ms. Knight has been recognized with numerous honors and accolades, including an *Essence* award for Career Achievement, Trumpet Awards Foundation Pinnacle Award, BET Lifetime Achievement Award, NAACP Image Award for

Outstanding Jazz Artist, and Soul Train Music Awards Lifetime Achievement Award; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in her honor.

PART X

WHEREAS, Mr. Willie A. Watkins has long been recognized for his expertise as a mortician and funeral director and the compassionate role he has played during the most difficult time of a family's life; and

WHEREAS, a native of Scottsdale, Georgia, Mr. Watkins was called to the mortuary field at a young age after accompanying his grandmother each weekend to funeral services of friends and neighbors in the small community and observing how important it was for families to see their loved ones remembered with dignity and grace; and

WHEREAS, Mr. Watkins's first job was at the age of eight, placing flowers alongside the hearses for a local funeral home; and

WHEREAS, his eagerness to excel in the field of mortuary science was evident when he was hired as a teenager by Thorton Mortuary, where he learned the heart and soul of the funeral services business; and

WHEREAS, during his sophomore year at Morehouse College, Mr. Watkins left the school to become part of the first class at Gupton Jones Mortuary College, where he earned an associate's degree in mortuary science; and

WHEREAS, he became a licensed funeral director and embalmer in 1971, and in 1978, at age 29, he purchased a building in the Historic West End of Atlanta which he would grow to become the epicenter of a mortuary business empire; and

WHEREAS, today, Willie A. Watkins Funeral Home, Inc., has five locations, all of which are impeccably designed to make guests feel comfortable at a time when they are most ill at ease, and serves more than 1,000 families a year; and

WHEREAS, Mr. Watkins sets the standard for personal service, offering families the release of doves, signature flower cars, black cars with silver tops, and horse drawn carriages for processionals; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his honor.

PART XI

WHEREAS, South Georgia is one of the few areas remaining in the United States where there are miles of rural landscape, historic small towns, and abundant agricultural operations; and

WHEREAS, the promotion of agri-tourism represents a readily available and effective tool for spurring economic development; and

WHEREAS, the portions of U.S. Highway 301 to be included in Georgia Grown Trail: 301 wind through eight counties with miles of family owned farms, unique lodging, u-pick farms, farm stands, farm murals, hands-on educational farm experiences, farm to table restaurants and establishments dedicated to preserving and sharing local recipes and traditions, and time honored and progressive crops and farming techniques; and

WHEREAS, a group of concerned representatives from each county along U.S. Highway 301 has met since March, 2014, with a mission to develop, preserve, and promote unique tourist destinations along the eight-county corridors; and

WHEREAS, the Georgia Grown Highway 301 Association board of directors has a vision to create a unique, memorable driving experience and includes members of the Screven County Chamber of Commerce, Statesboro Convention and Visitors Bureau, Claxton/Evans County Chamber of Commerce, Glennville Chamber of Commerce, Long County Chamber of Commerce, Wayne County Chamber of Commerce, Brantley County Economic Development, and Charlton County Chamber and Economic Development; and

WHEREAS, dedication of this route as a scenic highway will promote economic well-being through agri-tourism.

PART XII

WHEREAS, Mr. Ozzie M. Hannah has long been recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Jefferson County Board of Commissioners; and

WHEREAS, Mr. Hannah was the first African American commissioner to be elected in Jefferson County and served three terms, adeptly tackling issues that affected the citizens of Jefferson County and representing his constituents commendably; and

WHEREAS, his significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens of Jefferson County earned him the respect and admiration of his colleagues and associates; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, Mr. Hannah served with honor and distinction with the Jefferson County Board of Commissioners and his vision and unyielding commitment set the standard for public service; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for this dedicated public servant by dedicating a road in his memory.

PART XIII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XIV

WHEREAS, the State of Georgia lost one of its most promising young citizens with the tragic passing of Ethan Rutledge on November 30, 2014; and

WHEREAS, Ethan was a sweet, handsome, and amazing young man who never let anything get him down; and

WHEREAS, he made an immediate and lasting impression with every action he took, always working tirelessly to help those around him and others in need; and

WHEREAS, a dedicated and talented athlete, Ethan excelled as a football player and a cheerleader; and

WHEREAS, the spirit of this altruistic young man will live on through the precious gift of life he has given to hundreds as an organ donor; and

WHEREAS, a generous and passionate young man, Ethan will long be remembered for his love of family and friendship, and this loyal son, brother, teammate, and friend is deserving of an intersection named in his memory.

PART XV

WHEREAS, Mr. James Howard "Bud" Holloway, Jr., was born in Atlanta, Georgia, on July 2, 1932, the beloved son of James Howard Holloway, Sr., and Louise Walton Holloway; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Navy, valiantly and courageously defending his fellow citizens and upholding the ideals of America; and

WHEREAS, in 1967, Mr. Holloway became the owner of the Pink Pig, a BBQ restaurant in the community of Cherry Log; and

WHEREAS, a cherished member of the Cherry Log community, Mr. Holloway always had a gold dollar for the children dining at his restaurant and a funny story to tell his guests; and

WHEREAS, Mr. Holloway will long be remembered for his sense of humor and quick wit, and his political debates continue to be sorely missed by those who loved him; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XVI

WHEREAS, Mr. John Robert "Johnny" Mize was born in 1913 in Demorest, Georgia; and

WHEREAS, an extraordinary athlete, Johnny began his career in major league baseball in 1936 with the St. Louis Cardinals; and

WHEREAS, he went on to play with the New York Giants before retiring from the New York Yankees in 1953; and

WHEREAS, he amassed incredible hitting and slugging records, with a .300 batting average in nine consecutive seasons and 51 home runs in 1947 alone; and

WHEREAS, Johnny played on five World Series championship teams and was elected to the Baseball Hall of Fame in 1981; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XVII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Corporal Russell S. King played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Corporal King was born on June 21, 1931, and graduated from Hoboken High School in Brantley County, Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously protecting his fellow Americans during the Korean War; and

WHEREAS, Corporal King was held captive as a prisoner of war for 33 months; and

WHEREAS, Corporal King embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a bridge in his memory.

PART XVIII

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mr. Hoyt D. "Slick" Tatum on August 5, 2013; and

WHEREAS, Mr. Tatum was born on November 16, 1931, in Cartersville, Georgia, a beloved son of the late Hoyt "Hob" Tatum and Lillian Tumlin Tatum; and

WHEREAS, Mr. Tatum was united in love and marriage to Polly Pierce Tatum and was blessed with three remarkable children, Susan, Charles, and Bob; four wonderful grandchildren; and seven great-grandchildren; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that the members of this body honor the life of this distinguished Georgian by dedicating a bridge in his memory.

PART XIX

WHEREAS, Mr. Henry Carlton Floyd has long been recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Floyd was born on March 11, 1940, in Royston, Georgia, the beloved son of Louise Carlton Floyd and Grady Floyd; and

WHEREAS, he earned a bachelor's degree from the University of Georgia and was the owner and operator of Ladds Farm Supply; and

WHEREAS, a man of deep and abiding faith, Mr. Floyd was an active member of Euharlee Baptist Church where he attended the adult Sunday school class and served as trustee and maintenance and grounds director; and

WHEREAS, Mr. Floyd served with honor and distinction on the Euharlee Farmer's Club and the Kiwanis Club, and his leadership was instrumental to the board of directors for the Cartersville-Bartow County Airport Authority; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in his memory.

PART XX

WHEREAS, Mr. Jimmy B. Lord has long been recognized by the citizens of this state for the vital role that he has played in community leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Lord was born in Washington County, Georgia, and graduated from Harrison High School before attending John A. Gupton School of Mortuary Science; and

WHEREAS, he has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service as county coroner and as member of the Georgia General Assembly; and

WHEREAS, Mr. Lord was elected to the House of Representatives in 1997 and served until 2008, holding such leadership positions as chairperson of the House Committee on Defense and Veterans Affairs and the House Committee on Insurance; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in his honor.

PART XXI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, disabled American veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that disabled American veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, disabled American veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XXII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Lance Corporal Melvin Poole played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Lance Corporal Poole was born on February 18, 1948, and served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously protecting his fellow Americans during the Vietnam War; and

WHEREAS, Lance Corporal Poole embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a bridge in his memory.

PART XXIII

WHEREAS, Mr. Michael Andrew Norris was born on January 5, 1990, the beloved son of Bennett and Fran Norris; and

WHEREAS, Mr. Norris grew up in Culloden, Georgia, where he graduated from Mary Persons High School and later went on to earn an associate's degree in criminal justice from Gordon State College; and

WHEREAS, he became a deputy with the Monroe County Sheriff's Department in 2012, working as a jail officer and school resource officer for K.B. Sutton Elementary School; and

WHEREAS, Mr. Norris exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties; and

WHEREAS, this dedicated law enforcement officer's life was cut short from injuries he sustained in the line of duty; and

WHEREAS, a man of deep and abiding faith, Mr. Norris was an active member of Culloden Primitive Baptist Church; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in his memory.

PART XXIV

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Private John P. Dion played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Private Dion was born in Shattuck, Oklahoma, and enlisted in the United States Armed Forces after graduating from high school; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with 4th Brigade Combat Team of the 4th Infantry Division; and

WHEREAS, Private Dion made the ultimate sacrifice for his fellow Americans when his unit was attacked by insurgents while serving in Ashoque, Afghanistan; and

WHEREAS, Private Dion embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a bridge in his memory.

PART XXV

WHEREAS, Mr. Samuel L. Cummings has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Cummings was born in Midvale, Georgia, one of 13 beloved children of the late Lawton and Mary Cummings; and

WHEREAS, educated in the Burke County School System, Mr. Cummings attended Swansboro Junior College and the University of Georgia before he became the first African American certified elected official in Burke County; and

WHEREAS, he has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service as a city councilmember and mayor for the City of Midvale; and

WHEREAS, Mr. Cummings' leadership and guidance have been instrumental to numerous organizations, including the Optimism Club of Midvale, board of directors for Family and Children Services of Burke County, and Midvale Development Authority; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in his honor.

PART XXVI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, the State of Georgia and this nation continue to mourn the loss of one of its finest citizens with the untimely passing of Staff Sergeant Shaun J. Whitehead on April 24, 2008; and

WHEREAS, a native of Commerce, Georgia, Staff Sergeant Whitehead attended Commerce High School and joined the United States Armed Forces in 2003; and

WHEREAS, he served as a guardian of this nation's freedom and liberty as a member of the A Company, 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team; and

WHEREAS, Staff Sergeant Whitehead was struck and killed by a bomb while patrolling on foot in Iskandariyah, Iraq; and

WHEREAS, the untimely passing of this American hero has left an unfillable void in the hearts and lives of his parents, wife, children, family, and friends; and

WHEREAS, Staff Sergeant Whitehead embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a bridge in his memory.

PART XXVII

WHEREAS, Mr. Bill T. Hardman was named Georgia's first tourism director of the Georgia Department of Industry and Trade in 1959 and was charged with the responsibility of building this state's hospitality industry; and

WHEREAS, Mr. Hardman established and served as president of the Southern Travel Directors' Council, conducted the first Governor's Conference on Tourism in this country, and promoted Georgia at travel conferences around the United States, Canada, and Europe; and

WHEREAS, he helped organize and served as chairman of the National Association of Travel Organizations and served on the organization's board of directors for 49 years; and

WHEREAS, Mr. Hardman developed the concept of building Welcome Centers at major highway entrances for the State of Georgia; and

WHEREAS, in 1991 he created the Southeast Tourism Society's Marketing College at the University of North Georgia; each year 300 students from 13 southern states travel to Dahlonega to participate in this tourism oriented school, which has 804 graduates to date; and

WHEREAS, he was active in the effort to preserve and restore Lumpkin County's original courthouse, which now serves as Dahlonega's Gold Museum, and was part of the group of local civic boosters who led a wagon train loaded with gold mined in Dahlonega to the State Capitol to promote Dahlonega as a major tourism destination; and

WHEREAS, in his beloved hometown of Dahlonega, Mr. Hardman organized the Christmas Decorating Contest for Dahlonega merchants and raised funds to restore and display the Dahlonega Driving Bell, a relic from 1875 found in the Chestatee River; and

WHEREAS, Mr. Hardman was awarded the Tourism Lifetime Achievement Award by the State of Georgia and was inducted into the Atlanta Hospitality Hall of Fame.

PART XXVIII

WHEREAS, Mr. William Love Walton played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously protecting his fellow Americans during World War II; and

WHEREAS, an upstanding resident of Eatonton, Georgia, for 88 years, Mr. Walton was a dairy farmer and beef farmer, helping to put the city on the map as the dairy capital of the world; and

WHEREAS, Mr. Walton was named Georgia's Soil Conservationist of the Year in the early 1960's; and

WHEREAS, a man of deep and abiding faith, Mr. Walton was an active member of First Baptist Church of Eatonton; and

WHEREAS, he was united in love and marriage for more than 64 years to his wife, Carolyn Cunningham Walton, and he was blessed with four remarkable children; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXIX

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mrs. Pauline Spearman Brinkley; and

WHEREAS, Mrs. Brinkley was a woman with exceptional values and enduring work ethic, as evidenced by the countless hours she spent inspiring and influencing the children of Faceville and Decatur County, Georgia, through her work with the school lunch room program during and after World War II; and

WHEREAS, a widowed mother of five, Mrs. Brinkley sewed clothes for her children out of patterns cut from newspapers and made her children's upbringing and happiness a priority during the most challenging of financial times; and

WHEREAS, she gave inspiration to many through her high ideals, morals, and deep concern for her fellow citizens, and the devotion, patience, and understanding she demonstrated to her family and friends were admired by others; and

WHEREAS, Mrs. Brinkley was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example she made of her life, she made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in her memory.

PART XXX

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Senior Police Officer Elmer B. "Buddy" Christian III on March 22, 2011; and

WHEREAS, Officer Christian grew up in Madison County, Georgia, a beloved son of Bud and Carolyn Christian; and

WHEREAS, Officer Christian was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, he worked with the Athens-Clarke County Transportation and Public Works Department before joining the Athens-Clarke County Police Department in December of 2002 as a police officer; and

WHEREAS, Officer Christian was promoted to Senior Police Officer in March of 2010 and was a member of the department's honor guard; and

WHEREAS, on March 22, 2011, Officer Christian paid the ultimate sacrifice when he was shot and killed in the line of duty; and

WHEREAS, he was posthumously honored with the Sherm Applebaum Award by the Athens Rotary Club, Red Cross Heroes Award by the American Red Cross East Georgia Chapter, Military Order of the Purple Heart, Sworn Employee of the First Quarter of 2011 by the Athens-Clarke County Police Department, and Sworn Employee of the Year for 2011; and

WHEREAS, his name has been added to the wall at the National Law Enforcement Memorial in Washington, D.C., and the Georgia Law Enforcement Memorial; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments and sacrifice of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXXI

WHEREAS, Mr. James Henning Perry, also known as Uncle Jim Perry of Nashville, was born in May, 1922, in Nashville, Georgia, the beloved son of Edmond and Carrie Dorsey Perry and the brother of Mary Erneste Perry Houston and W.D. "Bill" Perry; and

WHEREAS, Mr. Perry graduated from Berrien County High School, where he was a popular football star, and attended the University of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces and landed on Utah Beach in Normandy, France, on D-Day; and

WHEREAS, throughout World War II, Mr. Perry fought at the Battle of St. Lo, France, the Liberation of Paris, the Battle of Huertgen Forest, and the Battle of Baston/Battle of the Bulge; and

WHEREAS, his valor and bravery were recognized with medals and awards which include the Silver Star, Army Accommodation Medal for Valor, Purple Heart, Expert Infantryman's badge, three campaign ribbons for the war in Europe, and National Defense Medal; and

WHEREAS, he was awarded the French Croix de Guerre, a medal equivalent to the Distinguished Service Cross given by the United States Armed Forces, for valor under fire on behalf of the liberation of Paris and the French people; and

WHEREAS, upon his return to the United States after the war, Mr. Perry became a community leader, speaking often around the country; and

WHEREAS, Mr. Perry was the president and owner of the Nashville Grocery Company, a director and agent of Life of the South Insurance Company, and a bank director of the Citizens Bank; and

WHEREAS, a man of deep and abiding faith, Mr. Perry was a devoted member of Nashville United Methodist Church where he sang in the choir and was on the church board; and

WHEREAS, he was united in love and marriage to his supportive wife, Mary Payne Brown, and was blessed with two remarkable children, Jimmy and Kathryn; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments and service of this remarkable and distinguished Georgian be appropriately recognized.

PART XXXII

WHEREAS, Captain Herb Emory was born on April 2, 1953, in Transylvania County, North Carolina; and

WHEREAS, Captain Herb moved to Atlanta in 1971 to attend the Atlanta School of Broadcasting and National School of Broadcasting and began serving as a traffic reporter in Atlanta; and

WHEREAS, throughout his career, Captain Herb worked with numerous local radio stations, including WSNE of Cumming, WDGL of Douglasville, WFOM of Marietta, WACX of Austell, WQXI-AM, 94 Q-Star 94, and Georgia Network News; and

WHEREAS, in 1991 Captain Herb moved to WSB Radio and *Channel 2 Action News*, where he initiated and helped build the traffic team system and infrastructure, including the concepts of "Red Alerts" and "Triple Team Traffic" which countless Atlanta commuters grew to rely upon for accuracy and up-to-the-minute traffic advisories; and

WHEREAS, Captain Herb's commitment to helping Atlanta's drivers navigate traffic with ease is evident by his numerous awards and accolades, including at least 15 First Place Awards, including two Green Eyeshades, for news and traffic reports from the Georgia Associated Press Association, and his induction into the Georgia Radio Hall of Fame in 2008; and

WHEREAS, his generosity of spirit and compassion for others was also widely recognized as he hosted the annual Toys for Tots fundraiser at Fred's Barbeque House in Lithia Springs, volunteered with the Douglas County Boys and Girls Club, was a dedicated member of the Douglas County Animal Control Advisory Board, served on the Friends of Sweetwater Creek State Park Board of Directors, and raised awareness against drinking and driving; and

WHEREAS, Captain Herb passed away on April 12, 2014, doing what he did best– helping others, and his presence and work has been sorely missed by the Atlanta community; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for the life's work of this Atlanta icon by dedicating a bridge in his memory.

PART XXXIII

WHEREAS, Mr. Wayne J. Hawes was born on February 22, 1914, the beloved son of the late Jack and Josephine Dallas Hawes; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Air Corps, valiantly and courageously defending his fellow citizens in World War II; and

WHEREAS, a graduate of Washington High School, Mr. Hawes earned a bachelor's degree from Savannah State University and devoted his career to inspiring young people as an educator; and

WHEREAS, he taught at several elementary schools in Lincoln County and served as a social studies teacher, department chairperson, assistant principal, and accounts manager at West Side High School; and

WHEREAS, a civil rights advocate, Mr. Hawes was a life member of the NAACP, serving as president of his local chapter for many years, and was the first African American member of Lincoln County Board of Education; and

WHEREAS, Mr. Hawes was a charter member of Twilight Improvement, Inc.; co-founder, chief executive officer, and president of Twilight Sewing Plant, Inc; and a member of the Northeast Georgia Leadership Council and American Legion Post 597; and

WHEREAS, a man of deep and abiding faith, Mr. Hawes was a member of Ebenezer Baptist Church, where he served as a deacon for 52 years, a Sunday school teacher for more than 60 years, and assistant church clerk; and

WHEREAS, he served as assistant secretary of the Columbia Sunday School Convention and president of the Lincoln County Sunday School Union; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XXXIV

WHEREAS, Mr. Roy William Beaver was born on July 9, 1927, the beloved son of R.A. "Rufus" and Etta Mae Beaver; and

WHEREAS, a member of the VFW Blue Ridge Chapter, Mr. Beaver served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously defending his fellow citizens during World War II and the Korean War; and

WHEREAS, he dedicated his career to Levi Strauss & Co. and diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state; and

WHEREAS, Mr. Beaver served on the Fannin County Board of Commissioners and Fannin County Board of Education and was a past master of the Masonic Lodge Blue Ridge Chapter #67; and

WHEREAS, he was united in love and marriage to Patsy Ruth Davenport Beaver for 61 wonderful years, and was blessed with two remarkable children, Michael and Sharon, three grandchildren, and two great-grandchildren; and

WHEREAS, a man of deep and abiding faith, Mr. Beaver was an active member of O'Zion Baptist Church, where he served as secretary and treasurer; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating an intersection in his memory.

PART XXXV

WHEREAS, James C. Moore was born in Coffee County in 1930; and

WHEREAS, he graduated from Nicholls High School, from South Georgia College, and Georgia Southern College (known as Georgia Teachers College at the time); and

WHEREAS, he served in the United States Air Force from 1951 until 1953, rising to the rank of Staff Sergeant; and

WHEREAS, he taught and coached in the Coffee County School System for 13 years, serving at West Green (2), Nicholls (5), Douglas Junior High (2), and Coffee High (4); and

WHEREAS, he also served as Principal of West Green Elementary for one year, Assistant Superintendent for one year, and as Superintendent of Schools for nine years; and

WHEREAS, from 1978-1989, he served in the General Assembly representing Coffee and Atkinson Counties. During this period, he became close friends with the DOT Commissioner, Tom Moreland, and initiated many highway projects that are still providing benefits today. These projects included: the four-laning of U.S. Highway 441 from Douglas to Pearson; the four-laning and adding passing lanes from downtown Douglas to the present high school and to Broxton; the completion of the perimeter road around Douglas, which Mr. Moreland said at the dedication that Douglas was only the third city in Georgia to have a perimeter road behind Atlanta and Athens; the paving of streets in Coffee and Touchton Woods subdivisions; the paving of all roads to churches in Coffee County; the four-laning of SR 158 from Peterson Avenue to Baker Highway (a must for the Wal-Mart Distribution Center to locate in Douglas); and adding wider truck access on the perimeter road for Wal-Mart; and

WHEREAS, while in the General Assembly, James C. Moore served on the Ways and Means, Education, Agriculture, Natural Resources, and QBE Study Committees; and

WHEREAS, he was a member of the Legislative Council to the Southern Regional Education Board (SREB) for five years; and

WHEREAS, James C. Moore sponsored legislation to create the Department of Adult and Technical Education; and

WHEREAS, he resigned from the General Assembly in 1989 to become the Vice-President for Economic Development at Altamaha Technical College in Jesup and served in that position from 1989 until 1992; and

WHEREAS, since he grew up in Coffee County, attended school in Coffee County, returned to Coffee County to live and work as an educator and farmer, and is a landowner and was a former business owner in Douglas, it is only proper and fitting that a lasting tribute recognizing the contributions of James C. Moore to the people of Coffee County be established.

PART XXXVI

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper James David Young on May 4, 1975; and

WHEREAS, a native of Fitzgerald, Georgia, Trooper Young attended the 41st Trooper School and was assigned to service at Post 30 in Cordele, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed by a prisoner while working with the Cordele Police Department; and

WHEREAS, Trooper Young exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XXXVII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper John Dixon Morris on May 18, 1982; and

WHEREAS, a native of Dublin, Georgia, Trooper Morris attended the 54th Trooper School and was assigned to service at Post 8 in Madison, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after he was killed in a patrol car crash on Atlanta Highway in Monroe, Georgia; and

WHEREAS, Trooper Morris exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XXXVIII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Mack Allen Page on June 22, 1968; and

WHEREAS, a native of Ellijay, Georgia, Trooper Page attended the 26th Trooper School and was assigned to service with Post 27 in Blue Ridge, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after a patrol car crash on State Route 2 in Union County; and

WHEREAS, Trooper Page exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XXXIX

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers were influential Tuskegee Airmen who valiantly and courageously served this nation during World War II and were born in or spent years during their childhood in Laurens County, Georgia; and

WHEREAS, a native of Laurens County, Major Herndon Cummings enlisted in the United States Air Corps on June 25, 1942, and was assigned to the 447th Bomber Group with whom he served for four years;

WHEREAS, upon completion of his service with the Air Corps, Major Cummings enlisted with the United States Air Force Reserve and dedicated 20 years of additional service to the nation; and

WHEREAS, Colonel Marion Rodgers was raised in Dublin, Georgia, and served with an anti-aircraft artillery unit and as a radio operator prior to attending flight school; and

WHEREAS, Colonel Rodgers was assigned to the 99th Fighter Squadron, the "Red Tails," and dedicated 22 years to the Air Force before working in the civil service field for 17 years; and

WHEREAS, Colonel Rodgers spent a year working for N.A.S.A. as a program manager on the mission for Apollo 13 and was prominent in the development of electronics and communications procedures with N.O.R.A.D.; and

WHEREAS, Colonel John Whitehead spent several years during his youth in Laurens County and flew several missions over Europe during World War II; and

WHEREAS, known as "Mr. Death" by his fellow pilots, Colonel Whitehead was the first African American test pilot for the Air Force and during his 30 year career spent more than 9,500 hours in the air; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of these distinguished Georgians be appropriately recognized with the naming of an interchange in their honor.

PART XL

WHEREAS, MSG Reginald S. Carter, Sr., was recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces for over 25 years during World War II and the Vietnam War; and

WHEREAS, MSG Carter diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Taylor County Board of Education and the Tax Assessors Board; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XLI

WHEREAS, Lieutenant Kelso C. Horne served as a guardian of this nation's freedom and liberty as a second lieutenant in the 82nd Airborne Division during World War II; and

WHEREAS, Lieutenant Horne was a resident of Dublin, Georgia, and graced the cover of *LIFE* magazine on August 14, 1944, as a representation of the one of thousands of men who were fighting to win the battle for France; and

WHEREAS, at 2:06 A.M. on June 6, 1944, Lieutenant Horne leapt from his transport plane and parachuted into Normandy; and

WHEREAS, after weeks of fighting to gain ground against the enemy, Lieutenant Horne was at the head of an infantry column that was advancing on a German-held town when he was stopped by a staff car and asked to be photographed; and

WHEREAS, Lieutenant Horne was injured by shellfire in July 1944, and as he healed from his injuries in England he saw his photo on the cover of *LIFE* magazine; and

WHEREAS, after he returned home from the war, Lieutenant Horne continued to serve his country with the United States Postal Service; and

WHEREAS, it is only fitting and proper that a lasting tribute to Lieutenant Horne's memory and life of service to his country be established.

PART XLII

WHEREAS, Mr. Loyd Strickland has long been recognized for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Strickland served as a member of the Department of Transportation Board in the 1960s, where his leadership and influence were instrumental in the development of Interstate 985 which provided a gateway to Gainesville State College and Lanier Technical College; and

WHEREAS, his business acumen was widely recognized as the owner and founder of Chestnut Mountain Hatchery, which later became Crystal Farms, a major player in the poultry industry; and

WHEREAS, Mr. Strickland's generosity and philanthropy were evident as an early supporter of Eagle Ranch, a thriving home for boys and girls; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating an intersection in his memory.

PART XLIII

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. John David Duke Lane, Sr., on December 4, 2014; and

WHEREAS, Mr. Lane was born in Pittsburgh, Pennsylvania, a beloved son of David Olin Lane and Ruby Duke Lane; and

WHEREAS, he was a graduate of Gordon Military College and attended the University of Georgia where he was a member of Chi Phi fraternity; and

WHEREAS, he worked with his grandfather, John David Duke, at Diamond D Farm and then he and his father, David Lane, established Lane Packing Company; and

WHEREAS, in 2002, he was honored by his peers with the title of "Mr. Peach" and his greatest joy was to ride around the farm, overseeing the growth and harvesting of the crops; and

WHEREAS, he was a member of the board of directors of the First South Bank for many years and was an avid outdoorsman, hunter, and fisherman; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating a bridge in his memory.

XLIV

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that State Route 400 in Dawson and Lumpkin counties is dedicated as the Bill T. Hardman Hospitality Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 341 and Mission Ridge Road in Walker County is dedicated as the E-4 Roger Dorsey, United States Navy, Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of new Cleveland Bypass from SR11/US129 at Donald E. Thurmond Drive extending northwest to SR11/US129 at Hulsey Road is dedicated as the Appalachian Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 306 from GA 400 to State Route 53 in Forsyth County is dedicated as the Frank L. Danchetz Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 8/North Avenue over the Interstate 75/Interstate 85 Connector in Fulton County is dedicated as the Paul V. Liles, Jr., Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on the MARTA Indian Creek Station exit ramp to Interstate 285 southbound in DeKalb County is dedicated as the Senator Lawrence (Bud) Stumbaugh Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the new flyover ramp on Interstate 85 at Georgia 400 is dedicated as the Captain Herb Emory Flyover Ramp.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 78 and Rosebud Road in Gwinnett County is dedicated as Brooks-Foster Crossing.

BE IT FURTHER RESOLVED AND ENACTED that State Route 9 in Fulton County from its intersection with Peachtree Street to 14th Street is dedicated as the Gladys Knight Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Interstate 20 over Joseph E. Lowery Boulevard in Fulton County is dedicated as the Willie A. Watkins Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Highway 301 beginning at the Georgia and South Carolina state line in Screven County through Bulloch, Evans, Tattnall, Long, Wayne, and Brantley counties to the Florida state line in Charlton County is dedicated as the Georgia Grown Trail: 301.

BE IT FURTHER RESOLVED AND ENACTED that State Route 24 in Jefferson County from its intersection with U.S. Highway 1 on the Louisville Bypass to the Burke County line is dedicated as the Ozzie M. Hannah Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that this body hereby joins in honoring military veterans and dedicates the portion of Georgia Highway 99 from U.S. Highway 17 in Eulonia to U.S. Highway 17 in Darien as Veterans Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of GA 81 and GA 78 in Walton County is dedicated as the Ethan Rutledge Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 515 over Cherry Log Street in Gilmer County is dedicated as the J. H. "Bud" Holloway Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 385/Old Highway 441 over Camp Creek in Habersham County is dedicated as the Johnny Mize Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 177 at mile marker 16 in Ware County is dedicated as the Corporal Russell S. King Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Ga 113 over Richland Creek west of downtown Cartersville in Bartow County is dedicated as the Hoyt D. "Slick" Tatum Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that Ga. 133 from its intersection at Doughit Ferry Road to Euharlee (Chulio) Road west of downtown Cartersville in Bartow County is dedicated as the Henry C. Floyd Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that Ga. 272 from Ga. 68 to Ga. 24 in Washington County is dedicated as the Jimmy B. Lord Highway.

BE IT FURTHER RESOLVED AND ENACTED that this body hereby joins in honoring disabled American veterans and dedicates the portion of Interstate 285 beginning east of Interstate 85 south of Atlanta to the top end of Interstate 75 north of Atlanta in Cobb, DeKalb, and Fulton counties as the Disabled American Veterans Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on US 280 over the Oconee River in Wheeler County is dedicated as the Lance Corporal Melvin Poole Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that Ga. 341 in Monroe County from the Lamar County line to the Crawford County line is dedicated as the Michael Andrew Norris Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the double bridge on East and West bound State Route 96 over Beechwood Swamp in Taylor County is dedicated as the Private John P. Dion Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 305 from its intersection with State Route 56 to the intersection of Old Wadley Road near the border of the city of Midvale in Burke County is dedicated as the Samuel L. Cummings Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 82 at Interstate 85 in Jackson County is dedicated as the Staff Sergeant Shaun J. Whitehead Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 400 in Dawson and Lumpkin counties is dedicated as the Bill T. Hardman Hospitality Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 16 over Rooty Creek in Putnam County is dedicated as the William Love Walton Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 302 in Decatur County from its intersection with State Route 97 to the Florida state line is dedicated as the Pauline Spearman Brinkley Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 78/State Route 10 Business over the Middle Oconee River in Clarke County is dedicated as the Officer Buddy Christian Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 76 at milepost 3.19 in Berrien County is dedicated as the 1st LT James H. Perry "Uncle Jim" Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Lee Road over Interstate 20 in Douglas County is dedicated as the Captain Herb Emory Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 79 over Soap Creek in Lincoln County is dedicated as the Wayne J. Hawes Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 515 and Loving Road in Fannin County is dedicated as the Roy William Beaver Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the members of this body recognize the outstanding contributions of James C. Moore and dedicate the portion of U.S. 221 North from the city limits of Douglas to the West Green city limits as the James C. Moore Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 107 from the eastern city limit of Fitzgerald to the intersection with Eastside Church Road is dedicated as the Trooper James David Young Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of US 441/GA 24 from the northern city limit of Eatonton to the southern city limit of Madison is dedicated as the Trooper John Dixon Morris Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 52 from its intersection with Rackley Road to the Dawson County line is dedicated as the Trooper Mack Allen Page Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. Route 80 at U.S. 441 Bypass in Laurens County is dedicated as the Tuskegee Airmen Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the southbound bridge on State Route 3 over Cedar Creek in Taylor County is dedicated as the MSG Reginald S. Carter, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Route 441/State Route 117 in Laurens County from State Route 19 to U.S. Route 80 is dedicated as the Lieutenant Kelso Horne Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the interchange at Interstate 20 and State Route 44 in Greene County is dedicated the Honorable Mickey Channell Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Interstate 75 from the Georgia/Tennessee state line to the Georgia/Florida state line is dedicated as the Purple Heart Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Interstate 985 and Mundy Mill Road is dedicated as the Loyd Strickland Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 280 over the Oconee River in Montgomery County is dedicated as the Veterans Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 96 over Interstate 75 in Peach County is dedicated as the John David Duke Lane, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to make appropriate copies of this resolution available for distribution to the Department of Transportation; Mr. Frank L. Danchetz; Mr. Paul V. Liles, Jr.; Senator Lawrence (Bud) Stumbaugh; Mrs. Runell "Nell" Brooks Foster; Ms. Gladys Maria Knight; Mr. Willie A. Watkins; Mr. Jimmy B. Lord; Mr. Samuel L. Cummings; and the family of Mr. Bill T. Hardman; E-4 Roger Dorsey; Captain Herbert "Herb" Lee Emory; Mr. Ozzie M. Hannah; Ethan Rutledge; Mr. James Howard "Bud" Holloway, Jr.; Mr. John Robert "Johnny" Mize; Corporal Russell S. King; Mr. Hoyt D. "Slick" Tatum; Mr. Henry Carlton Floyd; Lance Corporal Melvin Poole; Mr. Michael Andrew Norris; Private John P. Dion; Staff Sergeant Shaun J. Whitehead; Mr. William Love Walton; Mrs. Pauline Spearman Brinkley; Officer Elmer B. "Buddy" Christian; Mr. James Henning Perry; Mr. Wayne J. Hawes; Mr. Roy William Beaver; James C. Moore; Trooper James David Young; Trooper John Dixon Morris; Trooper Mack Allen Page; Tuskegee Airmen Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers; MSG Reginald S. Carter, Sr.; Lieutenant Kelso C. Horne; Mr. Loyd Strickland; and Mr. John David Duke Lane, Sr.

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	Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	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	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	E Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Chandler	E Geisinger	Y Mabra	Y Rutledge	Willard
Y Cheokas	Y Glanton	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	Sims	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 167, nays 0.

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

Representative Roberts of the 155th assumed the chair.

SB 59. By Senators Hill of the 6th, Mullis of the 53rd, Gooch of the 51st, Beach of the 21st and Hill of the 32nd:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the O.C.G.A., relating to state government, so as to provide for a "Partnership for Public Facilities and Infrastructure Act"; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for definitions; to provide guidelines for projects; to create the Partnership for Public Facilities and Infrastructure Act Guidelines Committee and to provide for its membership, terms, allowances, duties, and support; to provide for the manner by which projects may be initiated; to provide for the approval process for projects; to provide for evaluation criteria and review; to provide for agreements; to provide for default and remedies; to provide for financing and grants; to provide for service contracts; to provide for the dedication of certain property interests; to provide for sovereign immunity; to provide for police powers; to provide for application of open meetings and open records laws; to provide a short title; 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.

This Act shall be known and may be cited as the "Partnership for Public Facilities and Infrastructure Act."

SECTION 2.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new article to Chapter 91, relating to public works bidding, to read as follows:

"ARTICLE 5

36-91-110.

As used in this article, the term:

(1) 'Comprehensive agreement' means the written agreement between the private entity and the local government required by Code Section 36-91-115.

(2) 'Develop' or 'development' means to plan, design, develop, finance, lease, acquire, install, construct, operate, maintain, or expand.

(3) 'Local authority' means any local authority created pursuant to a local or general Act of the General Assembly, including a joint public instrumentality.

(4) 'Local government' means any county, municipality, consolidated government, or board of education.

(5) 'Private entity' means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

(6) 'Qualifying project' means any project selected in response to a request from a local government or submitted by a private entity as an unsolicited proposal in accordance with this article and subsequently reviewed and approved by a local

government, within its sole discretion, as meeting a public purpose or public need. This term shall not include and shall have no application to any project involving:

(A) The generation of electric energy for sale pursuant to Chapter 3 of Title 46;

(B) Communications services pursuant to Articles 4 and 7 of Chapter 5 of Title 46;

(C) Cable and video services pursuant to Chapter 76 of this title; or

(D) Water reservoir projects as defined in paragraph (10) of Code Section 12-5-471, which shall be governed by Article 4 of this chapter.

(7) 'Revenue' means all revenues, income, earnings, user fees, lease payments, or other service payments arising out of or in connection with supporting the development or operation of a qualifying project.

(8) 'Unsolicited proposal' means a written proposal for a qualifying project that is received by a local government and is not in response to any request for proposal for a qualifying project issued by a local government.

36-91-111.

(a) The Partnership for Public Facilities and Infrastructure Act Guidelines Committee is established to prepare model guidelines for local governments in the implementation of this article.

(b) The committee shall be composed of ten persons. Except for the local government officials or staff appointed to the committee, each committee member shall have subject matter expertise in architecture, construction management, engineering, finance, or real estate development. These appointments shall be made as follows:

(1) The following members shall be appointed by the Governor:

(A) One member or employee of a county governing authority;

(B) One member or employee of a municipal governing authority;

(C) One member or employee of a local board of education; and

(D) One licensed member of the State Bar of Georgia with expertise in representing local government in public works construction.

(2) The following members shall be appointed by the Speaker of the House of Representatives, provided that one of these appointees shall have expertise in working with local government:

(A) One member of the business community with expertise in construction management employed by a firm with less than $25 million in annual revenue;

(B) One member of the business community who is a licensed architect; and

(C) One member of the business community with expertise in real estate development; and

(3) The following members shall be appointed by the Lieutenant Governor, provided that one of these appointees shall have expertise in working with local government:

(A) One member of the business community with expertise in construction management employed by a firm with more than $25 million in annual revenue;

(B) One member of the business community who is a licensed professional engineer; and

(C) One member of the business community with expertise in finance.

(c) The terms of these committee appointments shall be for two years. At least three of these appointees shall reside outside of the metropolitan Atlanta area. The appointments shall be made as soon as feasible, but not later than August 1, 2015. The committee shall meet once a month or as needed and shall issue model guidelines to local governments no later than July 1, 2016. Such guidelines shall be updated every two years. The members of the committee shall elect a chairperson and a vice chairperson who shall serve for two-year terms in such office.
(d) Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees.
(e) Staff support shall be provided by the Department of Administrative Services, the Governor's office, and the Office of Planning and Budget.

36-91-112.
(a) Prior to executing any comprehensive agreement for the development or operation of a qualifying project pursuant to an unsolicited proposal received by a local government under this article, the local government shall adopt either:
(1) The model guidelines from the Partnership for Public Facilities and Infrastructure Act Guidelines Committee; or
(2) Its own guidelines as a policy, rule, regulation, or ordinance, which shall contain each of the factors identified in subsection (b) of this Code section.
(b) The model guidelines shall include, at a minimum, the following:
(1) The period of time each calendar year when the local government will consider receiving, processing, reviewing, or evaluating unsolicited proposals for qualifying projects, and such limited time period shall be established within the sole discretion of the local government;
(2) Procedures for the financial review and analysis of an unsolicited proposal that may include:
(A) A cost-benefit analysis;
(B) Evaluation of the public need for or benefit derived from the qualifying project;
(C) Evaluation of the estimated cost of the qualifying project for reasonableness in relation to similar facilities;
(D) Evaluation of the source of funding for the project;
(E) Consideration of plans to ensure timely development or operation;
(F) Evaluation of risk sharing, including cost or completion guarantees, added value, or debt or equity investments by the private entity; and
(G) Consideration of any increase in funding, dedicated revenue source, or other economic benefit that would not otherwise be available;
(3) Criteria for determining any fees authorized in Code Section 36-91-113 that the local government elects to charge the private entity for the processing, review, and evaluation of an unsolicited proposal;

(4) A requirement for the issuance of a request for proposals upon a decision by the local government to proceed with a qualifying project pursuant to an unsolicited proposal;
(5) Procedures for posting and publishing notice of the opportunity to offer competing proposals;
(6) Procedures for the processing, review, and consideration of competing proposals, and the period for the processing, review, and consideration of competing proposals shall not be less than 90 days; and
(7) Procedures for determining whether information included in an unsolicited proposal shall be released as part of any request for proposals to ensure fair competition.

36-91-113.
(a) If a local government adopts a rule, regulation, or ordinance affirming its participation in the process created in this article, a private entity may submit an unsolicited proposal for a project to the local government for review and determination as a qualifying project in accordance with the guidelines established by the local government. Any such unsolicited proposal shall be accompanied by the following material and information:
(1) A project description, including the location of the project, the conceptual design of such facility or facilities, and a conceptual plan for the provision of services or technology infrastructure;
(2) A feasibility statement that includes:
(A) The method by which the private entity proposes to secure any necessary property interests required for the project;
(B) A list of all permits and approvals required for the project from local, state, or federal agencies; and
(C) A list of public utility facilities, if any, that will be crossed by the project and a statement of the plans of the private entity to accommodate such crossings;
(3) A schedule for the initiation and completion of the project to include the proposed major responsibilities and timeline for activities to be performed by both the local government and private entity as well as a proposed schedule for obtaining the permits and approvals required in subparagraph (B) of paragraph (2) of this subsection;
(4) A financial plan setting forth the private entity's general plans for financing the project, including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity; a description of user fees, lease payments, and other service payments over the term of the comprehensive agreement pursuant to Code Section 36-91-115; and the methodology and circumstances for changes to such user fees, lease payments, and other service payments over time;
(5) A business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including

relevant cost, quality, methodology, and process for identifying the project and time frame data;

(6) The names and addresses of the persons who may be contacted for further information concerning the unsolicited proposal; and

(7) Such additional material and information as the local government may reasonably request.

(b) For any unsolicited proposal of the development of a project received by a local government, the local government may charge and retain a reasonable fee to cover the costs of processing, reviewing, and evaluating the unsolicited proposal, including, without limitation, reasonable attorney's fees and fees for financial, technical, and other necessary advisers or consultants.

(c) The local government may reject any proposal or unsolicited proposal at any time and shall not be required to provide a reason for its denial. If the local government rejects a proposal or unsolicited proposal submitted by a private entity, it shall have no obligation to return the proposal, unsolicited proposal, or any related materials following such rejection.

(d) A private entity assumes all risk in submission of a proposal or unsolicited proposal in accordance with subsections (a) and (b) of this Code section, and a local government shall not incur any obligation to reimburse a private entity for any costs, damages, or loss of intellectual property incurred by a private entity in the creation, development, or submission of a proposal or unsolicited proposal for a qualifying project.

36-91-114.

(a) The local government may approve the project in an unsolicited proposal submitted by a private entity pursuant to Code Section 36-91-113 as a qualifying project. Determination by the local government of a qualifying project shall not bind the local government or the private entity to proceed with the qualifying project.

(b) Upon the local government's determination of a qualifying project as provided in subsection (a) of this Code section, the local government shall:

(1) Seek competing proposals for the qualifying project by issuing a request for proposals for not less than 90 days; and

(2) Review all proposals submitted in response to the request for proposals based on the criteria established in the request for proposals.

(c) When the time for receiving proposals expires, the local government shall first rank the proposals in accordance with the factors set forth in the request for proposal or invitation for bids. The local government shall not be required to select the proposal with the lowest price offer, but it may consider price as one of various factors in evaluating the proposals received in response to the request for proposals for a qualifying project. Factors that may be considered include:

(1) The proposed cost of the qualifying project;

(2) The general reputation, industry experience, and financial capacity of the private entity;

(3) The proposed design of the qualifying project;

(4) The eligibility of the facility for accelerated selection, review, and documentation timelines under the local government's guidelines;
(5) Benefits to the public;
(6) The private entity's compliance with a minority business enterprise participation plan;
(7) The private entity's plans to employ local contractors and residents; and
(8) Other criteria that the local government deems appropriate.

(d) After ranking the proposals, the local government shall begin negotiations with the first ranked private entity. If the local government and the first ranked private entity do not reach a comprehensive agreement or interim agreement, then the local government may conduct negotiations with the next ranked private entity. This process shall continue until the local government either voluntarily abandons the process or executes a comprehensive agreement or interim agreement with a private entity.

(e) At any time during the process outlined in this Code section but before the full execution of a comprehensive agreement, the local government may, without liability to any private entity or third party, cancel its request for proposals or reject all proposals received in response to its request for proposals, including the unsolicited proposal, for any reason whatsoever.

(f) Nothing in this article shall enlarge, diminish, or affect the authority, if any, otherwise possessed by the local government to take action that would impact the debt capacity of the State of Georgia or any local government. The credit of this state shall not be pledged or loaned to any private entity. The local government shall not loan money to the private entity in order to finance all or a portion of the qualifying project. A multiyear lease entered into by a local government which is not terminable at the end of each fiscal year during the term of the lease shall be considered a debt of the local government which enters into such lease, and such lease shall apply against the debt limitations of the local government.

36-91-115.

(a) The comprehensive agreement entered into between the local government and the private entity selected in accordance with this article shall include:
(1) A thorough description of the duties of each party in the completion and operation of the qualifying project;
(2) Dates and schedules for the completion of the qualifying project;
(3) Any user fees, lease payments, or service payments as may be established by agreement of the parties, as well as any process for changing such fees or payments throughout the term of the agreement, and a copy of any service contract;
(4) Any reimbursements to be paid to the local government for services provided by the local government;
(5) A process for the review of plans and specifications for the qualifying project by the local government and approval by the local government if the plans and specifications conform to reasonable standards acceptable to the local government;

(6) A process for the periodic and final inspection of the qualifying project by the local government to ensure that the private entity's activities are in accordance with the provisions of the comprehensive agreement;
(7) Delivery of performance and payment bonds in the amounts required in Code Sections 36-91-70 and 36-91-90 and in a form acceptable to the local government for those components of the qualifying project that involve construction, and surety bonds, letters of credit, or other forms of security acceptable to the local government for other phases and components of the development of the qualifying project;
(8) Submission of a policy or policies of public liability insurance, copies of which shall be filed with the local government accompanied by proofs of coverage, or self-insurance, each in form and amount satisfactory to the local government and reasonably sufficient to ensure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project;
(9) A process for monitoring the practices of the private entity by the local government to ensure that the qualifying project is properly maintained;
(10) The filing of appropriate financial statements to the local government on a periodic basis; and
(11) Provisions governing the rights and responsibilities of the local government and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity, including conditions governing assumption of the duties and responsibilities of the private entity by the local government and the transfer or purchase of property or other interests of the private entity by the local government, including provisions compliant with state constitutional limitations on public debt by the local government. Such policies and procedures shall be consistent with Code Section 36-91-116.
(b) The comprehensive agreement may include such other terms and conditions that the local government determines will serve the public purpose of this article and to which the private entity and the local government mutually agree, including, without limitation, provisions regarding unavoidable delays and provisions where the authority and duties of the private entity under this article shall cease and the qualifying project is dedicated to the local government for public use.
(c) Any changes in the terms of the comprehensive agreement, as may be agreed upon by the parties from time to time, shall be added to the comprehensive agreement by written amendment.
(d) The comprehensive agreement may provide for the development of phases or segments of the qualifying project.

36-91-116.
(a) In the event of a material default by the private entity, the local government may terminate, with cause, the comprehensive agreement and exercise any other rights and remedies that may be available to it at law or in equity, including, but not limited to, claims under the maintenance, performance, or payment bonds; other forms of security; or letters of credit required by Code Section 36-91-115.

(b) The local government may elect to assume the responsibilities and duties of the private entity of the qualifying project, and in such case, it shall succeed to all of the right, title, and interest in such qualifying project subject to statutory limitations on the availability of future appropriated or otherwise unobligated funds.
(c) The power of eminent domain shall not be delegated to any private entity with respect to any project commenced or proposed pursuant to this article. Any local government having the power of condemnation under state law may exercise such power of condemnation to acquire the qualifying project in the event of a material default by the private entity. Any person who has perfected a security interest in the qualifying project may participate in the condemnation proceedings with the standing of a property owner.
(d) In the event the local government elects to take over a qualifying project pursuant to subsection (b) of this Code section, the local government may develop the qualifying project, impose user fees, and impose and collect lease payments for the use thereof.

36-91-117.
All power or authority granted by this article to public entities shall be in addition and supplemental to, and not in substitution for, the powers conferred by any other general, special, or local law. The limitations imposed by this article shall not affect the powers conferred by any other general, special, or local law and shall apply only to the extent that a local government elects to proceed under this article.

36-91-118.
Nothing in this article shall be construed as or deemed a waiver of the sovereign or official immunity of any local government or any officer or employee thereof with respect to the participation in, or approval of, all or any part of the qualifying project or its operation, including, but not limited to, interconnection of the qualifying project with any other infrastructure or project.

36-91-119.
(a) Local governments that proceed with procurement pursuant to competitive sealed bidding as defined in Code Section 36-91-2, or any other purchasing options available under current law, shall not be required to comply with this article.
(b) Nothing in this article shall apply to or affect the State Transportation Board, the Department of Transportation, or the State Road and Tollway Authority, or any project thereof.
(c) Nothing in this article shall abrogate the obligations of a local government or private entity to comply with the public meetings requirement in accordance with Chapter 14 of Title 50 or to disclose public information in accordance with Article 4 of Chapter 18 of Title 50."

SECTION 3.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new chapter to read as follows:

"CHAPTER 5C

50-5C-1.

As used in this chapter, the term:

(1) 'Affected local jurisdiction' means any county, municipality, or school district in which all or a portion of a qualifying project is located.

(2) 'Comprehensive agreement' means the written agreement between the private entity and the responsible public entity required by Code Section 50-5C-5.

(3) 'Develop' or 'development' means to plan, design, develop, finance, lease, acquire, install, construct, operate, maintain, or expand.

(4) 'Person' means an individual, corporation, partnership, trust, association, or other legal entity.

(5) 'Private entity' means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

(6) 'Public entity' means a department, agency, board, bureau, commission, authority, or instrumentality of the State of Georgia, including the Board of Regents of the University System of Georgia as well as a local government or local authority.

(7) 'Qualifying project' means any project submitted by a private entity as an unsolicited proposal in accordance with this chapter and subsequently reviewed and approved by a responsible public entity, within its sole discretion, as meeting a public purpose or public need. This term shall not include and shall have no application to any project involving:

(A) The generation of electric energy for sale pursuant to Chapter 3 of Title 46;

(B) Communications services pursuant to Articles 4 and 7 of Chapter 5 of Title 46;

(C) Cable and video services pursuant to Chapter 76 of Title 36; or

(D) Water reservoir projects as defined in paragraph (10) of Code Section 12-5-471, which shall be governed by Article 4 of Chapter 91 of Title 36.

(8) 'Responsible public entity' means a public entity that has the power to contract with a private entity to develop an identified qualifying project. For any unsolicited proposal for a project at one or more institutions of the University System of Georgia, the responsible public entity shall be the Board of Regents of the University System of Georgia or its designees. For any unsolicited proposal for a project for one or more state government entities, other than an institution of the University System of Georgia, the responsible public entity shall be the State Properties Commission.

(9) 'Revenue' means all revenues, income, earnings, user fees, lease payments, or other service payments arising out of or in connection with supporting the development or operation of a qualifying project.

(10) 'Unsolicited proposal' means a written proposal for a qualifying project that is received by a responsible public entity and is not in response to any request for proposal issued by a responsible public entity.

50-5C-2.
For any qualifying project undertaken by the State Properties Commission, the Georgia State Financing and Investment Commission shall be solely authorized to develop guidelines for this process. For any qualifying project undertaken by the University System of Georgia, the Board of Regents of the University System of Georgia shall be solely authorized to develop guidelines for this process.

50-5C-3.
(a) Between May 1 and June 30 of each year, a private entity may submit an unsolicited proposal for a project to the responsible public entity for review and determination as a qualifying project in accordance with the guidelines established by Code Section 50-5C-2. Any such unsolicited proposal shall be accompanied by the following material and information:

(1) A project description, including the location of the project, the conceptual design of such facility or facilities, and a conceptual plan for the provision of services or technology infrastructure;

(2) A feasibility statement that includes:

(A) The method by which the private entity proposes to secure any necessary property interests required for the project;

(B) A list of all permits and approvals required for the project from local, state, or federal agencies; and

(C) A list of public utility facilities, if any, that will be crossed by the project and a statement of the plans of the private entity to accommodate such crossings;

(3) A schedule for the initiation and completion of the project to include the proposed major responsibilities and timeline for activities to be performed by both the public and private entity as well as a proposed schedule for obtaining the permits and approvals required in subparagraph (B) of paragraph (2) of this subsection;

(4) A financial plan setting forth the private entity's general plans for financing the project, including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity; a description of user fees, lease payments, and other service payments over the term of the comprehensive agreement pursuant to Code Section 50-5C-5; and the methodology and circumstances for changes to such user fees, lease payments, and other service payments over time;

(5) A business case statement that shall include a basic description of any direct and indirect benefits that the private entity can provide in delivering the project, including relevant cost, quality, methodology, and process for identifying the project and time frame data;

(6) The names and addresses of the persons who may be contacted for further information concerning the unsolicited proposal; and

(7) Such additional material and information as the responsible public entity may reasonably request.

(b) For any unsolicited proposal for the development of a project received by a responsible public entity, the private entity shall reimburse the responsible public entity for the actual costs incurred to process, review, and evaluate the unsolicited proposal, including, without limitation, reasonable attorney's fees and fees for financial, technical, and other necessary advisers or consultants.

(c) Any private entity submitting an unsolicited proposal under subsection (a) of this Code section to a responsible public entity shall also notify each affected local jurisdiction by furnishing a copy of its unsolicited proposal to each affected local jurisdiction.

(d) Each affected local jurisdiction that is not a responsible public entity for the respective project may, within 45 days after receiving such notice, submit any comments regarding the unsolicited proposal it may have in writing to the responsible public entity and indicate whether the project is compatible with local plans and budgets. A project shall be consistent with zoning and land use regulations of the responsible public entity and each affected local jurisdiction.

(e) The responsible public entity may reject any proposal or unsolicited proposal at any time and shall not be required to provide a reason for its denial. If the responsible public entity rejects a proposal or unsolicited proposal submitted by a private entity, it shall have no obligation to return the proposal, unsolicited proposal, or any related materials following such rejection.

(f) A private entity assumes all risks in submission of a proposal or unsolicited proposal in accordance with subsections (a) and (b) of this Code section, and a responsible public entity shall not incur any obligation to reimburse a private entity for any costs, damages, or loss of intellectual property incurred by a private entity in the creation, development, or submission of a proposal or unsolicited proposal for a qualifying project.

50-5C-4.

(a) The responsible public entity may approve the project in an unsolicited proposal submitted by a private entity pursuant to Code Section 50-5C-3 as a qualifying project. Determination by the responsible public entity of a qualifying project shall not bind the responsible public entity or the private entity to proceed with the qualifying project.

(b) Upon the responsible public entity's determination of a qualifying project as provided in subsection (a) of this Code section, the responsible public entity shall:

(1) Seek competing proposals for the qualifying project by issuing a request for proposals for not less than 90 days; and

(2) Review all proposals submitted in response to the request for proposals based on the criteria established in the request for proposals.

(c) When the time for receiving proposals expires, the responsible public entity shall first rank the proposals in accordance with the factors set forth in the request for proposal or invitation for bids. The responsible public entity shall not be required to select the proposal with the lowest price offer, but it may consider price as one of various factors in evaluating the proposals received in response to the request for proposals for a qualifying project. Factors that may be considered include:

(1) The proposed cost of the qualifying project;

(2) The general reputation, industry experience, and financial capacity of the private entity;

(3) The proposed design of the qualifying project;

(4) The eligibility of the facility for accelerated selection, review, and documentation timelines under the responsible public entity's guidelines;

(5) Benefits to the public;

(6) The private entity's compliance with a minority business enterprise participation plan;

(7) The private entity's plans to employ local contractors and residents; and

(8) Other criteria that the responsible public entity deems appropriate.

(d) After ranking the proposals, the responsible public entity shall begin negotiations with the first ranked private entity. If the responsible public entity and the first ranked private entity do not reach a comprehensive agreement or interim agreement, then the responsible public entity may conduct negotiations with the next ranked private entity. This process shall continue until the responsible public entity either voluntarily abandons the process or executes a comprehensive agreement or interim agreement with a private entity.

(e) At any time during the process outlined in this Code section but before full execution of a comprehensive agreement, the responsible public entity may, without liability to any private entity or third party, cancel its request for proposals or reject all proposals received in response to its request for proposals, including the unsolicited proposal, for any reason whatsoever.

(f) Nothing in this chapter shall enlarge, diminish, or affect the authority, if any, otherwise possessed by the responsible public entity to take action that would impact the debt capacity of the State of Georgia. The credit of this state shall not be pledged or loaned to any private entity. The responsible public entity shall not loan money to the private entity in order to finance all or a portion of the qualifying project. All power or authority granted by this chapter to public entities shall be in addition to and supplemental to, and not in substitution for, the powers conferred by any other general, special, or local law. The limitations imposed by this chapter shall not affect the powers conferred by any other general, special, or local law and shall apply only to the extent that a public entity elects to proceed under this chapter. A multiyear lease entered into by the state as lessee under this Code section which is not terminable at the end of each fiscal year during the term of the lease shall be subject to and comply with the provisions of Code Section 50-16-41, specifically including compliance with any

multiyear contract value authority adopted by the Georgia State Financing and Investment Commission for each fiscal year.

50-5C-5.

(a) The comprehensive agreement entered into between the responsible public entity and the private entity selected in accordance with this chapter shall include:

(1) A thorough description of the duties of each party in the completion and operation of the qualifying project;

(2) Dates and schedules for the completion of the qualifying project;

(3) Any user fees, lease payments, or service payments as may be established by agreement of the parties, as well as any process for changing such fees or payments throughout the term of the agreement, and a copy of any service contract;

(4) Any reimbursements to be paid to the responsible public entity for services provided by the responsible public entity;

(5) A process for the review of plans and specifications for the qualifying project by the responsible public entity and approval by the responsible public entity if the plans and specifications conform to reasonable standards acceptable to the responsible public entity;

(6) A process for the periodic and final inspection of the qualifying project by the responsible public entity to ensure that the private entity's activities are in accordance with the provisions of the comprehensive agreement;

(7) Delivery of performance and payment bonds in the amounts required in Code Sections 13-10-40, 13-10-41, and 13-10-60 and in a form acceptable to the responsible public entity for those components of the qualifying project that involve construction, and bonds, letters of credit, or other forms of security acceptable to the responsible public entity for other phases and components of the development of the qualifying project;

(8) Submission of a policy or policies of public liability insurance, copies of which shall be filed with the responsible public entity accompanied by proofs of coverage, or self-insurance, each in form and amount satisfactory to the responsible public entity and reasonably sufficient to ensure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project;

(9) A process for monitoring the practices of the private entity by the responsible public entity to ensure that the qualifying project is properly maintained;

(10) The filing of appropriate financial statements to the responsible public entity on a periodic basis; and

(11) Provisions governing the rights and responsibilities of the responsible public entity and the private entity in the event the comprehensive agreement is terminated or there is a material default by the private entity, including conditions governing assumption of the duties and responsibilities of the private entity by the responsible public entity and the transfer or purchase of property or other interests of the private entity by the responsible public entity, including provisions compliant with state constitutional limitations on public debt.

(b) The comprehensive agreement may include such other terms and conditions that the responsible public entity determines will serve the public purpose of this chapter and to which the private entity and the responsible public entity mutually agree, including, without limitation, provisions regarding unavoidable delays and provisions where the authority and duties of the private entity under this chapter shall cease, and the qualifying project is dedicated to the responsible public entity.
(c) Any changes in the terms of the comprehensive agreement, as may be agreed upon by the parties from time to time, shall be added to the comprehensive agreement by written amendment.
(d) The comprehensive agreement may provide for the development of phases or segments of the qualifying project.

50-5C-6.
(a) In the event of a material default by the private entity, the responsible public entity may terminate, with cause, the comprehensive agreement and exercise any other rights and remedies that may be available to it at law or in equity, including, but not limited to, claims under the maintenance, performance, or payment bonds; other forms of security; or letters of credit required by Code Section 50-5C-5 in accordance with Code Sections 13-10-40 through 13-10-65.
(b) The responsible public entity may elect to assume the responsibilities and duties of the private entity of the qualifying project, and in such case, it shall succeed to all of the right, title, and interest in such qualifying project.
(c) The power of eminent domain shall not be delegated to any private entity with respect to any project commenced or proposed pursuant to this chapter. Any responsible public entity having the power of condemnation under state law may exercise such power of condemnation to acquire the qualifying project in the event of a material default by the private entity. Any person who has perfected a security interest in the qualifying project may participate in the condemnation proceedings with the standing of a property owner.
(d) In the event the responsible public entity elects to take over a qualifying project pursuant to subsection (b) of this Code section, the responsible public entity may develop the qualifying project, impose user fees, and impose and collect lease payments for the use thereof.

50-5C-7.
All power or authority granted by this chapter to public entities shall be in addition and supplemental to, and not in substitution for, the powers conferred by any other general or special law. The limitations imposed by this chapter shall not affect the powers conferred by any other general, special, or local law and shall apply only to the extent that a public entity elects to proceed under this chapter.

50-5C-8.
Nothing in this chapter shall be construed as or deemed a waiver of the sovereign or official immunity of any responsible public entity or any officer or employee thereof with respect to the participation in, or approval of, all or any part of the qualifying project or its operation, including, but not limited to, interconnection of the qualifying project with any other infrastructure or project.

50-5C-9.
Any law enforcement officers of the public entity shall have the same powers and jurisdiction within the portion of such qualifying project as they have in their respective areas of jurisdiction, and such law enforcement officers shall have access to the qualifying project at any time for the purpose of exercising such powers and jurisdiction.

50-5C-10.
(a) Responsible public entities that proceed with procurement pursuant to competitive sealed bidding pursuant to Code Section 50-5-67, or any other purchasing options available to them under current law, shall not be required to comply with this chapter.
(b) Nothing in this chapter shall apply to or affect the State Transportation Board, the Department of Transportation, or the State Road and Tollway Authority, or any project thereof.
(c) Nothing in this chapter shall abrogate the obligations of a responsible public entity or private entity to comply with the public meetings requirement in accordance with Chapter 14 of this title or to disclose public information in accordance with Article 4 of Chapter 18 of this title."

SECTION 4.
This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Hamilton of the 24th offers the following amendment:

*Amend the House Committee on Governmental Affairs substitute to SB 59 by striking "*and*" on line 125; by striking the period at the end of line 127 and inserting in lieu thereof "*; and*"; and inserting after line 127 the following:*

(8) Procedures for identifying and appointing an independent owner adviser to the local government with expertise in architecture, engineering, or construction management to assist in the evaluation of an unsolicited proposal and to serve as

owner adviser to the local government if the local government chooses to pursue any ensuing solicited bid process. The local government shall not be obligated to engage such services.

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	Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	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
Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	E Duncan	Y Jasperse	Y Powell, J	Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
E 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	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	E 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	Y Kirby	Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Wilkerson
Y 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	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 164, nays 0.

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

The Speaker assumed the Chair.

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

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxation, so as to change certain provisions relating to the special district transportation sales and use tax pursuant to the Transportation Investment Act of 2010; to provide for future levies to be at a fractional rate; to change procedures and requirements regarding the future imposition of such tax; to change certain provisions regarding the ceiling on the amount of local sales and use taxes; to provide for an additional transportation special purpose local option sales and use tax by counties and municipalities; to provide for definitions, procedures, conditions, and limitations for the imposition, collection, disbursement, and termination of the tax; to provide for powers, duties, and authority of the state revenue commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (d) of and adding new subsections to Code

Section 48-8-241, relating to the creation of special districts and the tax rate for purposes of a transportation sales and use tax, as follows:

"(d) ~~Any~~ Except as otherwise provided in subsection (e) of this Code section, any tax imposed under this article shall be at the rate of 1 percent. Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:

(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;

(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways. For purposes of this paragraph, a motor vehicle means a self-propelled vehicle designed for operation or required to be licensed for operation upon the public highways;

(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale; or

(5) For motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit.

The tax imposed pursuant to this article shall only be levied on the first $5,000.00 of any transaction involving the sale or lease of a motor vehicle. The tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this article shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

(e) Any tax imposed under this article on or after July 1, 2015, may be at a rate of up to 1 percent but shall not be more than 1 percent. Any rate less than 1 percent shall be in an increment of .05 percent. This subsection shall not apply to taxes under this article imposed or to be imposed under resolutions and ordinances adopted prior to July 1, 2015."

SECTION 1-2.

Said chapter is further amended by revising paragraph (12) of Code Section 48-8-242, relating to definitions relative to Special District Transportation Sales and Use Tax, as follows:

"(12) ~~'Special Regional Transportation Funding Election Act' means an Act specifically and exclusively enacted for the purpose of ordering that a referendum be held for the reimposition of the special district transportation sales and use tax within the region that includes the districts, in their entirety or any portion thereof, of the members from a local legislative delegation in the General Assembly. A majority of the signatures of the legislative delegation for a majority of the counties within the region shall be required for the bill to be placed upon the local calendar of each chamber. This method shall be exclusively used for this purpose and no other bill~~

~~shall be placed or voted upon on the local calendar utilizing this method of qualification for placement thereon. This Act shall be treated procedurally by the General Assembly as a local Act and all counties within the region shall receive the legal notice requirements of a local Act.~~ Reserved."

SECTION 1-3.

Said chapter is further amended by revising subsection (c) of Code Section 48-8-245, relating to the collection and cessation of special district transportation sales and use tax, as follows:

"(c)(1) No more than a single ~~1 percent~~ tax under this article may be collected at any time within a special district.

(2) Upon the ~~enactment by the General Assembly of a Special Regional Transportation Funding Election Act and the~~ adoption of resolutions by the governing bodies of a majority of the counties within a special district in which a tax authorized by this article is in effect, an election may be held for the reimposition of the tax while the tax is in effect. Proceedings for the development of an investment list and for the reimposition of a tax shall be in the same manner as provided for in Code ~~Section~~ Sections 48-8-241 and 48-8-243.

(3) Following the expiration of the special district transportation sales and use tax under this article, or following a special election in which voters in a special district rejected the imposition of the tax, upon the ~~passage by the General Assembly of a Special Regional Transportation Funding Election Act and the~~ adoption of resolutions by the governing bodies of a majority of counties within a special district, an election may be held for the imposition of a tax under this article in the same manner as provided in this article for the initial imposition of such tax. ~~Such subsequent election shall be held on the date of a state-wide general primary.~~ The election superintendents shall issue the call and conduct the election in the manner authorized by general law. The development of the investment list for such special district shall follow the dates established in Code Section 48-8-243 with the years adjusted appropriately, and such schedule shall be posted on a website developed by the state revenue commissioner to be used exclusively for matters related to the special district transportation sales and use tax within 30 days of the later of the state revenue commissioner's receipt of notice from the final county governing body required to adopt a resolution ~~or of the passage of the Special Regional Transportation Funding Election Act by the General Assembly~~."

PART II
SECTION 2-1.

Said chapter is further amended in subsection (a) of Code Section 48-8-6, relating to the ceiling on local sales and use taxes, by revising paragraphs (4) and (5) and adding a new paragraph to read as follows:

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

(5) A sales and use tax levied under Article 5 of this chapter~~.~~; and
(6) A sales and use tax levied under Article 5A of this chapter."

SECTION 2-2.

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

"ARTICLE 5A

48-8-260.

As used in this article, the term:

(1) 'Dealer' means a dealer as defined in paragraph (8) of Code Section 48-8-2.

(2) 'District' means a special district created pursuant to subsection (a) of Code Section 48-8-261.

(3) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX, Section III, Paragraph I of the Constitution.

(4) 'Levy' means the collection within a special district of the tax authorized pursuant to this article.

(5) 'Mass transportation' means any mode of transportation serving the general public which is appropriate to transport people by highways or rail.

(6) 'Mass transportation regional system participant' means any county within a special district created pursuant to Article 5 of this chapter wherein mass transportation service is provided within the district, to the district, or from the district by a multicounty regional transportation authority created by an Act of the General Assembly, including but not limited to the Georgia Regional Transportation Authority or the Metropolitan Atlanta Rapid Transit Authority.

(7) 'Qualified municipality' means a qualified municipality as defined in paragraph (4) of Code Section 48-8-110 situated wholly or partly within a district.

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

48-8-261.

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

(b) On or after July 1, 2015, any county:

(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter;

(2) That is a mass transportation regional system participant; and

(3) In which a tax is currently being levied and collected pursuant to:

(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this article, impose for a limited period of time within the special district under this article a transportation special purpose local option sales tax, the proceeds of which shall be used only for transportation purposes.

(c) On or after July 1, 2017, any county:

(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter; and

(2) In which a tax is currently being levied and collected pursuant to:

(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this article, impose for a limited period of time within the special district under this article a transportation special purpose local option sales tax, the proceeds of which shall be used only for transportation purposes.

48-8-262.

(a) Prior to the issuance of the call for the referendum required by Code Section 48-8-263, any county that desires to levy a tax under this article shall deliver or mail a written notice to the mayor or chief elected official in each qualified municipality located within the district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authorities of the county and of each qualified municipality are to meet to discuss possible projects for inclusion in the referendum. The notice shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the referendum.

(b)(1) Following the meeting required by subsection (a) of this Code section and prior to any tax being imposed under this article, the county and all qualified municipalities therein shall execute an intergovernmental agreement memorializing their agreement to the levy of a tax and the rate of such tax.

(2) At a minimum, the intergovernmental agreement authorized by paragraph (1) of this subsection shall include the following:

(A) A list of the projects and purposes qualifying as transportation purposes proposed to be funded from the levy;

(B) The estimated or projected dollar amounts allocated for each transportation purpose from proceeds from the levy;

(C) The procedures for distributing proceeds from the levy to qualified municipalities;

(D) A schedule for distributing proceeds from the levy to qualified municipalities which shall include the priority or order in which transportation purposes will be fully or partially funded;

(E) A provision that all transportation purposes included in the agreement shall be funded from proceeds from the levy except as otherwise agreed;

(F) A provision that proceeds from the levy shall be maintained in separate accounts and utilized exclusively for the specified purposes;

(G) Record-keeping and audit procedures necessary to carry out the purposes of this article; and

(H) Such other provisions as the county and qualified municipalities choose to address.

(c)(1) If an intergovernmental agreement is entered into by the county and all qualified municipalities, the rate of the tax may be up to 1 percent.

(2) If an intergovernmental agreement is not entered into by the county and all qualified municipalities, the maximum rate of the tax shall not exceed .75 percent and shall be determined by the governing authority of the county.

(d)(1) As soon as practicable after the meeting between the governing authorities of the county and qualified municipalities and the execution of an intergovernmental agreement, if applicable, the governing authority of the county may by a majority vote on a resolution offered for such purpose submit the list of transportation purposes and the question of whether the levy should be approved to electors of the district in the next scheduled election and shall notify the county election superintendent within the district by forwarding to the superintendent a copy of such resolution calling for the imposition of the levy. Such list, or a digest thereof, shall be available during regular business hours in the office of the county clerk.

(2) The resolution authorized by paragraph (1) of this subsection shall describe:

(A) The specific transportation purposes to be funded;

(B) The approximate cost of such transportation purposes, which shall also be the maximum amount of net proceeds to be raised by the levy; and

(C) The maximum period of time, to be stated in calendar years, for which the levy may be levied and the rate thereof. The maximum period of time shall not exceed five years.

48-8-263.

(a)(1) The ballot submitting the question of the imposition of the levy to the voters within the district shall have written or printed thereon the following:

'( ) YES ( ) NO	Shall a special ___ percent sales and use tax be imposed in the district consisting of _____County for a period of time not to exceed _____ and for the raising of not more than an estimated amount of $_____ for transportation purposes?'

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of _____ County in the principal amount of $_____ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the levy shall vote 'Yes,' and all persons opposed to imposing the levy shall vote 'No.' If more than one-half of the votes cast throughout the entire district are in favor of imposing the levy, then the levy shall be imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this article.

(d)(1) If the proposal includes the authority to issue general obligation debt and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise, such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the county may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this article. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this article. In either event, such general obligation debt shall be payable first from the separate account in which are placed the proceeds received by the county from the levy. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the levy shall be satisfied from the general funds of the county.

48-8-264.

(a) If the imposition of the levy is approved at the election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the levy was approved by the voters. With respect to services which are regularly billed on a monthly basis, however, the

resolution shall become effective with respect to and the levy shall apply to services billed on or after the effective date specified in the previous sentence.

(b) The levy shall cease to be imposed on the earliest of the following dates:

(1) If the resolution calling for the imposition of the tax provided for the issuance of general obligation debt and such debt is the subject of validation proceedings, as of the end of the first calendar quarter ending more than 80 days after the date on which a court of competent jurisdiction enters a final order denying validation of such debt;

(2) On the final day of the maximum period of time specified for the imposition of the levy; or

(3) As of the end of the calendar quarter during which the commissioner determines that the levy will have raised revenues sufficient to provide to the district net proceeds equal to or greater than the amount specified as the maximum amount of net proceeds to be raised by the levy.

(c)(1) At any time, no more than a single tax under this article shall be imposed within a district. Any tax imposed under this article may be at a rate of up to 1 percent but shall not be more than 1 percent. Any rate less than 1 percent shall be in an increment of .05 percent.

(2) The governing authority of the county in which a levy is in effect under this article may, upon approval of all qualified municipalities, while the levy is in effect, adopt resolutions calling for the reimposition of the levy upon the termination of the levy then in effect; and an election may be held at the next regularly scheduled general election for this purpose while the levy is in effect. Proceedings for the reimposition of a levy shall be in the same manner as proceedings for the initial imposition of the levy, but the newly authorized levy shall not be imposed until the expiration of the levy then in effect.

(3) Following the expiration of a levy under this article, the county may initiate proceedings for the reimposition of a levy under this article in the same manner as provided in this article for initial imposition of such levy.

48-8-265.

A tax levied pursuant to this article shall be exclusively administered and collected by the commissioner for the use and benefit of the county and qualified municipalities within the district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at

the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-266.
Each sales tax return remitting taxes collected under this article shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this article are collected and distributed according to situs of sale.

48-8-267.
(a) The proceeds of the tax collected by the commissioner in each special district under this article shall be disbursed as soon as practicable after collection as follows:
(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and
(2) Except for the percentage provided in paragraph (1) of this Code section, the remaining proceeds of the tax shall be distributed:
(A) Pursuant to the terms of the intergovernmental agreement, if applicable; or
(B) If no intergovernmental agreement has been entered into, in accordance with subsection (b) of this Code section.
(b) In the event an intergovernmental agreement has not been entered into, distribution of the proceeds shall be as follows:
(1) The commissioner shall determine the most recent fiscal year for which an audit under Code Section 36-81-7 has been made and is available for the county and all qualified municipalities; and
(2) Utilizing the audit information under paragraph (1) of this subsection, the county and each qualified municipality shall receive a proportional amount of proceeds of the tax based upon the amount of general fund expenditures made for transportation in the fiscal year. The proportional amount for the county and each qualified municipality shall be determined by dividing the total general fund amount expended on transportation by the county or qualified municipality by the aggregate total general fund amounts of the county and all qualified municipalities during that audit year.

48-8-268.
The levy shall not be subject to any allocation or balancing of state and federal funds provided for by general law, nor may such proceeds be considered or taken into account in any such allocation or balancing.

48-8-269.
(a) Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to

taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:

(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;

(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;

(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale;

(5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit; or

(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

(b) Except as otherwise specifically provided in this article, the tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this article shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

48-8-269.1.

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

48-8-269.2.

No levy shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the levy is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier.

48-8-269.3.

The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the levy.

48-8-269.4.

Except as provided in Code Section 48-8-6, the tax authorized under this article shall be in addition to any other local sales and use tax. Except as otherwise provided in this article and except as provided in Code Section 48-8-6, the imposition of any other local sales and use tax within a county or qualified municipality within a special district shall not affect the authority of a county to impose the tax authorized under this article, and provided that a county is not currently collecting a levy under Article 5 of this chapter, the imposition of a tax under this article shall not affect the imposition of any otherwise authorized local sales and use tax within the special district.

48-8-269.5.

(a)(1) The proceeds received from the levy shall be used by the county and qualified municipalities within the district exclusively for the transportation purposes specified in the resolution calling for imposition of the levy. Such proceeds shall be kept in a separate account from other funds of any county and qualified municipality receiving proceeds of the levy and shall not in any manner be commingled with other funds of any county or qualified municipality prior to the expenditure.

(2) The governing authority of each county and the governing authority of each qualified municipality receiving any proceeds from the tax under this article shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the levy the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.

(b) No general obligation debt shall be issued in conjunction with the imposition of the levy unless each county governing authority determines that, and if the debt is to be validated it is demonstrated in the validation proceedings that, during each year in which any payment of principal or interest on the debt comes due, the county will receive from the levy net proceeds sufficient to fully satisfy such liability. General obligation debt issued under this article shall be payable first from the separate account in which are placed the proceeds received by each county from the levy. Such debt, however, shall constitute a pledge of the full faith, credit, and taxing power of each county; and any liability on said debt which is not satisfied from the proceeds of the levy shall be satisfied from the general funds of the county.

(c) The intergovernmental agreement, if applicable, and resolution calling for imposition of the levy may specify that all of the proceeds of the levy will be used for payment of general obligation debt issued in conjunction with the imposition of the levy. If the intergovernmental agreement, if applicable, and resolution so provide, then

such proceeds shall be used solely for such purpose except as provided in subsection (f) of this Code section.

(d) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the levy may specify that a part of the proceeds of the levy will be used for payment of general obligation debt issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the other purposes for which such proceeds will be used. In such a case, no part of the net proceeds from the levy received in any year shall be used for such other purposes until all debt service requirements of the general obligation debt for that year have first been satisfied from the account in which the proceeds of the levy are placed.

(e) The resolution calling for the imposition of the tax may specify that no general obligation debt is to be issued in conjunction with the imposition of the tax. The intergovernmental agreement and resolution shall specifically state the purpose or purposes for which the proceeds will be used.

(f)(1)(A) If the proceeds of the levy are specified to be used solely for the purpose of payment of general obligation debt issued in conjunction with the imposition of the levy, then any net proceeds of the levy in excess of the amount required for final payment of such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

(B) If the district receives from the levy net proceeds in excess of the maximum cost of the transportation projects and costs stated in the resolution calling for the imposition of the levy or in excess of the actual cost of such purpose or purposes, then such excess proceeds shall be subject to and applied as provided in paragraph (2) of this subsection unless otherwise specified in the intergovernmental agreement, if applicable.

(C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section 48-8-264 by reason of denial of validation of debt, then all net proceeds received by the special district from the tax shall be excess proceeds subject to paragraph (2) of this subsection.

(2) Excess proceeds subject to this subsection shall be used solely for the purpose of reducing any indebtedness of any county or qualified municipality within the district other than indebtedness incurred pursuant to this article. If there is no such other indebtedness or if the excess proceeds exceed the amount of any such other indebtedness, then the excess proceeds shall next be paid into the general fund of such county or qualified municipality, it being the intent that any funds so paid into the general fund of such county or qualified municipality be used for the purpose of reducing ad valorem taxes.

48-8-269.6.

Not later than December 31 of each year, the governing authority of each county and each qualifying municipality receiving any proceeds from the tax under this article shall publish annually, in a newspaper of general circulation in the boundaries of such county or municipality, a simple, nontechnical report which shows for each purpose in the

resolution calling for imposition of the levy the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The report shall also include a statement of what corrective action the county or municipality intends to implement with respect to each purpose which is underfunded or behind schedule and a statement of any surplus funds which have not been expended for a purpose."

PART III
SECTION 3-1.

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

The following amendment was read:

Representatives Roberts of the 155th and Smyre of the 135th offer the following amendment:

Amend the Senate substitute to HB 106 by deleting lines 1 through 459 and inserting in lieu thereof the following:
To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for a limitation on the joint county and municipal sales and use tax on motor fuel; to provide for a state fee on the rental of a hotel or motel room; to provide for an additional transportation special purpose local option sales and use tax by counties and municipalities; to provide for definitions, procedures, conditions, and limitations for the imposition, collection, disbursement, and termination of the tax; to provide for powers, duties, and authority of the state revenue commissioner; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising Code Section 48-8-82, relating to authorization of counties and municipalities to impose a joint sales and use tax, as follows:
"48-8-82.
(a) When the imposition of a joint county and municipal sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district and each qualified municipality located wholly or partially within the special district shall levy a joint sales and use tax at the rate of 1 percent, except as provided in subsection (b) of this Code section. Except as to rate, the joint tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not

subject to taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article, except that the joint tax provided in this article shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(b) On or after July 1, 2015, such joint sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than $3.00 per gallon; provided, however, that in any consolidated government levying a joint sales and use tax at 2 percent pursuant to Code Section 48-8-96, on or after July 1, 2015, any such joint sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 2 percent of the retail sales price of the motor fuel which is not more than $3.00 per gallon."

SECTION 2.

Said title is further amended by adding a new article in Chapter 8, relating to state sales and use taxes, to read as follows:

"ARTICLE 5A

48-8-260.

As used in this article, the term:

(1) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX, Section III, Paragraph I of the Constitution.

(2) 'Mass transportation' means any mode of transportation serving the general public which is appropriate to transport people by highways or rail.

(3) 'Mass transportation regional system participant' means any county within a special district created pursuant to Article 5 of this chapter in which mass transportation service is provided within such special district, to such special district, or from such special district by a multicounty regional transportation authority created by an Act of the General Assembly, including but not limited to the Georgia Regional Transportation Authority or the Metropolitan Atlanta Rapid Transit Authority.

(4) 'Qualified municipality' means a qualified municipality as defined in paragraph (4) of Code Section 48-8-110 which is located wholly or partly within a special district.

(5) 'Transportation purposes' means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including new general obligation debt and other multiyear obligations issued to finance such purposes. Such purposes shall also include the retirement of previously incurred general obligation debt with respect only to such purposes, but only if an intergovernmental agreement has been entered into under this article.

48-8-261.

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

(b) On or after July 1, 2016, any county:

(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter;

(2) That is a mass transportation regional system participant; and

(3) In which a tax is currently being levied and collected pursuant to:

(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this article, impose for a limited period of time within the special district under this article a transportation special purpose local option sales and use tax, the proceeds of which shall be used only for transportation purposes.

(c) On or after July 1, 2017, any county:

(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter; and

(2) In which a tax is currently being levied and collected pursuant to:

(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this article, impose for a limited period of time within the special district under this article a transportation special purpose local option sales and use tax, the proceeds of which shall be used only for transportation purposes.

48-8-262.

(a)(1) Except as otherwise provided in paragraph (2) of this subsection, prior to the issuance of the call for the referendum required by Code Section 48-8-263, any county that desires to levy a tax under this article shall deliver or mail a written notice to the mayor or chief elected official in each qualified municipality located within the special district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authorities of the county and of each qualified municipality are to meet to discuss possible projects for inclusion in the referendum and the rate of tax. The notice shall be delivered or mailed at least ten days prior to

the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the referendum.

(2) When 90 percent or more of the geographic area of a special district is located within one or more qualified municipalities and when a qualified municipality or combination of qualified municipalities within the special district whose combined population within the special district is 60 percent or more of the aggregate population of all qualified municipalities within the special district desires to levy a tax under this article, such qualified municipality or municipalities may deliver or mail written notice to the chief elected official of the governing authority of the county located within the special district calling for a meeting to discuss projects for inclusion in the referendum and the rate of levy of the tax. Such notice shall contain the date, time, place, and purpose of the meeting and shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for a referendum. If the county and all qualified municipalities within the special district do not enter into an intergovernmental agreement meeting the requirements of subsection (b) of this Code section within 30 days after the meeting, when 90 percent or more of the geographic area of a special district is located within one or more qualified municipalities the qualified municipality or combination of qualified municipalities within the special district whose combined population within the special district is 60 percent or more of the aggregate population of all qualified municipalities within the special district may adopt a resolution as provided in subsection (e) of this Code section and issue the call for a referendum on the levy of a tax under this article.

(b)(1) Following the meeting required by subsection (a) of this Code section and prior to any tax being imposed under this article, the county and all qualified municipalities therein may execute an intergovernmental agreement memorializing their agreement to the levy of a tax and the rate of such tax.

(2) If an intergovernmental agreement authorized by paragraph (1) of this subsection is entered into, it shall, at a minimum, include the following:

(A) A list of the projects and purposes qualifying as transportation purposes proposed to be funded from the tax, including an expenditure of at least 30 percent of the estimated revenue from the tax on projects included in the state-wide strategic transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22;

(B) The estimated or projected dollar amounts allocated for each transportation purpose from proceeds from the tax;

(C) The procedures for distributing proceeds from the tax to qualified municipalities;

(D) A schedule for distributing proceeds from the tax to qualified municipalities which shall include the priority or order in which transportation purposes will be fully or partially funded;

(E) A provision that all transportation purposes included in the agreement shall be funded from proceeds from the tax except as otherwise agreed;

(F) A provision that proceeds from the tax shall be maintained in separate accounts and utilized exclusively for the specified purposes;

(G) Record-keeping and audit procedures necessary to carry out the purposes of this article; and

(H) Such other provisions as the county and qualified municipalities choose to address.

(c)(1) If an intergovernmental agreement is entered into by the county and all qualified municipalities, the rate of the tax may be up to 1 percent.

(2) If an intergovernmental agreement is not entered into by the county and all qualified municipalities, the maximum rate of the tax shall not exceed .75 percent and shall be determined by the governing authority of the county.

(d)(1) As soon as practicable after the meeting between the governing authorities of the county and qualified municipalities and the execution of an intergovernmental agreement, if applicable, the governing authority of the county shall by a majority vote on a resolution offered for such purpose submit the list of transportation purposes and the question of whether the tax should be approved to electors of the special district in the next scheduled election and shall notify the county election superintendent within the special district by forwarding to the superintendent a copy of such resolution calling for the imposition of the tax. Such list, or a digest thereof, shall be available during regular business hours in the office of the county clerk.

(2) The resolution authorized by paragraph (1) of this subsection shall describe:

(A) The specific transportation purposes to be funded;

(B) The approximate cost of such transportation purposes, which shall also be the maximum amount of net proceeds to be raised by the tax; and

(C) The maximum period of time, to be stated in calendar years, for which the tax may be imposed and the rate thereof. The maximum period of time for the imposition of the tax shall not exceed five years.

48-8-263.

(a)(1) The ballot submitting the question of the imposition of the tax to the voters within the special district shall have written or printed thereon the following:

'( ) YES ( ) NO	Shall a special ___ percent sales and use tax be imposed in the special district consisting of _____County for a period of time not to exceed _____ and for the raising of not more than an estimated amount of $_____ for transportation purposes?'

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of _____ County in the principal amount of $_____ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. The superintendent shall canvass the returns,

declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast throughout the entire special district are in favor of imposing the tax, then the tax shall be imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this article.

(d)(1) If the intergovernmental agreement, if applicable, and proposal include the authority to issue general obligation debt and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise, such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the county may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this article. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this article. In either event, such general obligation debt shall be payable first from the separate account in which are placed the proceeds received by the county from the tax. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

48-8-264.

(a)(1) If the imposition of the tax is approved at the election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the tax was approved by the voters.

(2) With respect to services which are regularly billed on a monthly basis, however, the resolution shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in paragraph (1) of this subsection.

(b) The tax shall cease to be imposed on the earliest of the following dates:

(1) If the resolution calling for the imposition of the tax provided for the issuance of general obligation debt and such debt is the subject of validation proceedings, as of

the end of the first calendar quarter ending more than 80 days after the date on which a court of competent jurisdiction enters a final order denying validation of such debt;
(2) On the final day of the maximum period of time specified for the imposition of the tax; or
(3) As of the end of the calendar quarter during which the commissioner determines that the tax will have raised revenues sufficient to provide to the special district net proceeds equal to or greater than the amount specified as the maximum amount of net proceeds to be raised by the tax.
(c)(1) At any time, no more than a single tax under this article shall be imposed within a special district. Any tax imposed under this article may, subject to the requirements of subsection (c) of Code Section 48-8-262, be imposed at a rate of up to 1 percent but shall not exceed 1 percent. Any tax imposed under this article at a rate of less than 1 percent shall be in an increment of .05 percent.
(2) In any special district in which a tax is in effect under this article, proceedings may be commenced, while the tax is in effect, calling for the reimposition of the tax upon the termination of the tax then in effect; and an election may be held at the next scheduled election for this purpose while the tax is in effect. Such proceedings for the reimposition of a tax under this article shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.
(3) Following the expiration of a tax under this article, proceedings for the reimposition of a tax under this article may be initiated in the same manner as provided in this article for initial imposition of such tax.

48-8-265.
A tax levied pursuant to this article shall be exclusively administered and collected by the commissioner for the use and benefit of the county and qualified municipalities within the special district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the special district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-266.
Each sales tax return remitting taxes collected under this article shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this article are collected and distributed according to situs of sale.

48-8-267.
(a) The proceeds of the tax collected by the commissioner in each special district under this article shall be disbursed as soon as practicable after collection as follows:
(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and
(2) Except for the percentage provided in paragraph (1) of this subsection, the remaining proceeds of the tax shall be distributed:
(A) Pursuant to the terms of the intergovernmental agreement, if applicable; or
(B) If no intergovernmental agreement has been entered into, in accordance with subsection (b) of this Code section.
(b) In the event an intergovernmental agreement has not been entered into, then distribution of the proceeds shall be as follows:
(1) The state auditor shall determine the most recent three fiscal years for which an audit under Code Section 36-81-7 has been made;
(2) Utilizing the audit information under paragraph (1) of this subsection, the county and each qualified municipality shall receive a proportional amount of proceeds of the tax based upon the amount of expenditures made for transportation in the most recent three fiscal years. The proportional amount for the county and each qualified municipality shall be determined by dividing the average expended on transportation during the most recent three fiscal years by the county or qualified municipality by the aggregate average expended on transportation by the county and all qualified municipalities in the special district during the most recent three fiscal years. Amounts expended on transportation include transportation maintenance and operation costs and shall correspond with classifications and subclassifications specified in the local government uniform chart of accounts under subsection (e) of Code Section 36-81-3 within section 4200, including noncapital expenditures within sections 4210-4270, and shall be reported in the local government audit. Total general fund expenditures by the local government within these categories shall be specified in the footnotes of the audited financial statement. If such transportation expenditures include maintenance and operation costs to support local government airport and transit operations, reported in functions 7561 and 7563 of the uniform chart, the general fund costs for those functions shall be included in the footnotes of the local government's audited financial report; and
(3) Following the determinations made pursuant to paragraph (2) of this subsection and at least 30 days prior to the referendum, the state auditor shall certify the

appropriate distribution percentages to the commissioner and the commissioner shall utilize such percentages for the distribution of proceeds for the term of the tax.

48-8-268.
(a) The proceeds of a tax under this article shall not be subject to any allocation or balancing of state and federal funds provided for by general law, and such proceeds shall not be considered or taken into account in any such allocation or balancing.
(b) The approval of the tax under this article shall not in any way diminish the percentage of state or federal funds allocated to any of the local governments under Code Section 32-5-27 within the special district levying the tax. The amount of state or federal funds expended in the county or any qualified municipality within the special district shall not be decreased or diverted due to the use of proceeds from the tax levied under this article for transportation purposes that have a high priority in the state-wide strategic transportation plan.

48-8-269.
(a) Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:
(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;
(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;
(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;
(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale;
(5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit; or
(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.
(b) Except as otherwise specifically provided in this article, the tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this article shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

48-8-269.1.
Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this article upon the same property. If the amount of sales or use tax so paid is less than the amount of the tax due under this article, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and

the amount due under this article. The commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax under this article for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the county or in a special district which includes the county.

48-8-269.2.
No tax shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier.

48-8-269.3.
The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the tax.

48-8-269.4.
Except as provided in Code Section 48-8-6, the tax authorized under this article shall be in addition to any other local sales and use tax. Except as otherwise provided in this article and except as provided in Code Section 48-8-6, the imposition of any other local sales and use tax within a county or qualified municipality within a special district shall not affect the authority of a county to impose the tax authorized under this article, and the imposition of the tax authorized under this article shall not affect the imposition of any otherwise authorized local sales and use tax within the special district.

48-8-269.5.
(a)(1) The proceeds received from the tax shall be used by the county and qualified municipalities within the special district exclusively for the transportation purposes specified in the resolution calling for imposition of the tax. Such proceeds shall be kept in a separate account from other funds of any county or qualified municipality receiving proceeds of the tax and shall not in any manner be commingled with other funds of any county or qualified municipality prior to the expenditure.
(2) The governing authority of each county and the governing authority of each qualified municipality receiving any proceeds from the tax under this article shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented

in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.

(b) No general obligation debt shall be issued in conjunction with the imposition of the tax unless the county governing authority determines that, and if the debt is to be validated it is demonstrated in the validation proceedings that, during each year in which any payment of principal or interest on the debt comes due, the county will receive from the tax net proceeds sufficient to fully satisfy such liability. General obligation debt issued under this article shall be payable first from the separate account in which are placed the proceeds received by the county from the tax. Such debt, however, shall constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

(c) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the tax may specify that all of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose except as otherwise provided in subsection (f) of this Code section.

(d) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the tax may specify that a part of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the other purposes for which such proceeds will be used. In such a case, no part of the net proceeds from the tax received in any year shall be used for such other purposes until all debt service requirements of the general obligation debt for that year have first been satisfied from the account in which the proceeds of the tax are placed.

(e) The resolution calling for the imposition of the tax may specify that no general obligation debt is to be issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the purpose or purposes for which the proceeds will be used.

(f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of payment of general obligation debt issued in conjunction with the imposition of the tax, then any net proceeds of the tax in excess of the amount required for final payment of such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

(B) If the special district receives from the tax net proceeds in excess of the maximum cost of the transportation projects and purposes stated in the resolution calling for the imposition of the tax or in excess of the actual cost of such projects and purposes, then such excess proceeds shall be subject to and applied as provided in paragraph (2) of this subsection unless otherwise specified in the intergovernmental agreement, if applicable.

(C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section 48-8-264 by reason of denial of validation of debt, then all net proceeds received by the special district from the tax shall be excess proceeds subject to paragraph (2) of this subsection.

(2) Excess proceeds subject to this subsection shall be used solely for the purpose of reducing any indebtedness of any county or qualified municipality within the special district other than indebtedness incurred pursuant to this article. If there is no such other indebtedness or if the excess proceeds exceed the amount of any such other indebtedness, then the excess proceeds shall next be paid into the general fund of such county or qualified municipality, it being the intent that any funds so paid into the general fund of such county or qualified municipality be used for the purpose of reducing ad valorem taxes.

48-8-269.6.

Not later than December 31 of each year, the governing authority of each county and each qualifying municipality receiving any proceeds from the tax under this article shall publish annually, in a newspaper of general circulation in the boundaries of such county or municipality, a simple, nontechnical report which shows for each purpose in the resolution calling for the imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The report shall also include a statement of what corrective action the county or qualified municipality intends to implement with respect to each purpose which is underfunded or behind schedule and a statement of any surplus funds which have not been expended for a purpose."

SECTION 3.

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

"48-13-50.3.

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

(1) 'Extended stay rental' means providing for value to the public a hotel or motel room for longer than 30 consecutive days to the same customer.

(2) 'Innkeeper' means any person who is subject to taxation under this article for the furnishing for value to the public a hotel or motel room.

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

(b) On or after July 1, 2015, each innkeeper in this state shall charge a $5.00 per night fee to the customer, unless it is an extended stay rental, for each calendar day a hotel or motel room is rented or leased. The innkeeper shall collect the fee at the time the

customer pays for the rental or lease of such hotel or motel room. The innkeeper collecting the fee shall remit the fee on a monthly basis to the department.

(c) The commissioner shall promulgate and make available forms for the use of innkeepers to assist in compliance with this Code section. The commissioner shall promulgate rules and regulations as necessary to implement and administer the provisions of this Code section.

(d) It is the intention of the General Assembly, subject to appropriations, that the fees collected pursuant to subsection (b) of this Code section shall be made available and used exclusively for transportation purposes in this state.

(e) If the amount collected under this Code section is ever not appropriated for a fiscal year as provided by subsection (d) of this Code section, as determined jointly by the House Budget and Research Office and the Senate Budget and Evaluation Office, then the amount collected shall be reduced by 50 percent. Upon the conclusion of a second fiscal year in which the amount collected is not so appropriated, this Code section shall stand repealed and reserved, and such fees shall cease to be collected, on the date the appropriations Act for such fiscal year becomes effective. Such budget offices shall certify any such lack of appropriation to the Code Revision Commission for purposes of updating the Code in accordance with this subsection."

SECTION 4.

This Act shall become effective on July 1, 2015.

SECTION 5.

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

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

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

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

On the adoption of the amendment, the ayes were 121, nays 26.

The amendment was adopted.

Representative Roberts of the 155th moved that the House agree to the Senate substitute, as amended by the House, to HB 106.

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

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

Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Mabra	N Rutledge	Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
N Clark, D	Golick	Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	N Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Yates
Cooke	E Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 122, nays 27.

The motion prevailed.

HB 213. By Representatives Jacobs of the 80th, Roberts of the 155th, Smyre of the 135th, Geisinger of the 48th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for a permanent suspension of restrictions on the use of sales and use tax proceeds upon the submission of an independent management audit to certain officials; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for the restoration of voting privileges to the Executive Director of the Georgia Regional Transportation Authority until 2017; to provide for the staggering of new board members when a county joins the Authority; to provide for the acquisition and disposition of certain property; to provide for the process by which contracts for concessions shall be awarded; to provide for suspensions from the system and property for violations of rules and regulations; to provide for the inclusion of certain items in an independent management audit; to provide for the issuance of citations; to provide for an appeals process; to provide for the appointment of hearing officers; to provide for a hearing; to provide for the appeal of decisions to superior court; to provide for the authority to pursue legal action for the collection of fines; to provide for the rate of a sales and use tax; to provide for the retail sales and use tax when a county joins the Authority; to provide for a permanent suspension of restrictions on the use of sales and use tax

proceeds upon the submission of an independent management audit to certain officials; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), is amended by revising subsections (a) and (b) of Section 6 as follows:

"(a) On and after January 1, 2017, the Board of Directors of the Authority shall be reconstituted and composed of 11 voting members and two nonvoting members. Three members shall be residents of the City of Atlanta to be nominated by the Mayor and elected by the City Council; four members shall be residents of DeKalb County with three of the four appointees to be appointed by the ~~Board of Commissioners~~ governing authority of DeKalb County and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the ~~southernmost~~ northernmost corporate boundaries of the City of Decatur and the fourth appointee to be appointed by a majority vote of a caucus of mayors of the municipalities located wholly in DeKalb County; three members shall be residents of Fulton County and one of such members shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta to be appointed by a majority vote of the Fulton County Board of Commissioners, and two of such members shall be residents of that portion of Fulton County lying north of the corporate limits of the City of Atlanta to be appointed by a majority vote of a caucus of mayors of the municipalities of Fulton County lying north of the corporate limits of the City of Atlanta; one member shall be a resident of ~~Fulton or DeKalb County~~ a participating jurisdiction to be appointed by the Governor; one nonvoting member shall be the Commissioner of the Department of Transportation; and one nonvoting member shall be the Executive Director of the Georgia Regional Transportation Authority. Those board members appointed by a local governing authority, caucus, or the Governor as described in this section in office as of January 1, 2017, shall serve initial terms of office as follows: two of the three appointees of the governing authority of DeKalb County ~~Board of Commissioners~~, two of the three appointees of the Mayor and City Council of Atlanta, and one of the two appointees of the caucus of mayors from municipalities lying north of the corporate limits of the City of Atlanta shall serve a term of two years, and the remaining appointees shall serve for terms of four years. No later than December 1, 2016, all board members shall be appointed and each local governing authority or caucus shall designate which board members shall serve an initial term of two years. After the initial two-year terms of those five board members described in this subsection, that governing ~~body~~ authority or caucus which appointed the member for that initial term to that office shall appoint

successors thereto for terms of office of four years in the same manner that such governing ~~body~~ authority or caucus makes its other appointments to the Board.

Those board members in office on May 31, 2014, shall serve until December 31, 2016. The Executive Director of the Georgia Regional Transportation Authority and the Commissioner of the Department of Transportation shall ~~become~~ be nonvoting members of the Board ~~on the effective date of this sentence~~ and shall serve while holding their State offices; provided, however, that notwithstanding any provisions of this Act to the contrary, the Executive Director of the Georgia Regional Transportation Authority shall be a voting member of the Board until December 31, 2016.

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

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

governing body which appointed the member for that initial term shall appoint a successor thereto for a term of office of four years."

SECTION 2.

Said Act is further amended by revising subsections (a), (f), and (g) of Section 14 as follows:

"(a) Except in the acquisition or disposition of unique property which for any reason is unobtainable in the open market, and except as hereinafter otherwise provided, competitive bids shall be secured before any acquisition or disposition of properties by contract or otherwise is made by the Authority, or before any contract is awarded for construction, alterations, supplies, equipment, repairs or maintenance, or for rendering any services to the Authority, acquisitions shall be made from, and contracts awarded to, the lowest responsible bidder, and dispositions of property shall be made to the highest responsible bidder. No acquisition or disposition of any unique property unobtainable in the open market shall be made without the express approval of the Board where the amount involved is ~~$25,000.00~~ $200,000.00 or more. Nothing in this Section shall apply to contracts for professional services or the personal services of employees, or to contracts for services of individuals or organizations not employed full time by the Authority but who are engaged primarily in the rendition of personal services and not the sale of goods and merchandise, such as but not limited to the services of attorneys, accountants, engineers, architects, consultants and advisors."

"(f) All concessions granted by the Authority for the sale of products or the rendition of services for a consideration on Authority property shall be awarded only pursuant to written specifications after a competitive ~~bidding~~ process and to the ~~highest responsible bidder~~ best respondent in a manner similar to that required in subsection (b).

(g) Contracts for the sale, lease, or other disposition of real property owned by the Authority shall be awarded only after a competitive ~~bidding~~ process and to the ~~highest responsible bidder~~ best respondent in a manner similar to that required in subsection (b), provided that such competitive ~~bidding~~ procedures may be waived, but only if the Board determines that the negotiation of a sale, lease, exchange, or other disposition of real property owned or to be acquired by the Authority is necessary to facilitate either of the following: (i) the location of an Authority transportation project within real property owned by another; or (ii) the passage of the public between an Authority transportation project and the property of another."

SECTION 3.

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

"(e) Not later than December 31, 2016, and every four years thereafter, the Authority shall cause to be performed an independent management audit on the condition of management of the Authority, to be supervised and approved by the Metropolitan Atlanta Rapid Transit Overview Committee. Such management audit shall include the auditor's recommendations based thereon and the auditor's signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit

and allowed access to all its books, records, and documents to the extent the auditor deemed necessary. The management audit shall be submitted to the Board of the Authority, the Governor, the State Auditor, and the Metropolitan Atlanta Rapid Transit Overview Committee before December 31 of each year in which it is required. The management audit shall be performed at the expense of the Authority."

SECTION 4.

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

"(a)(1) The Board may promulgate reasonable rules and regulations, not inconsistent with law, for the control and management of its operations, properties, employees, and patrons.

(2) Violations of such rules and regulations governing the conduct of the public in or upon the Authority's transportation system ~~shall be punishable by a civil fine or penalty in an amount set by the Board.~~ may be punished by a suspension from the use of Authority services and presence on Authority property for a period of time to be set by the Board or a civil fine or both, provided that such fine shall be no more than $300.00.

(3) A citation shall be issued for violations of such rules and regulations which shall include notice of suspension from the use of Authority services and presence on Authority property or the civil fine amount or both, as applicable. Such citation shall also state at the top of the citation and in a print size no smaller than the largest print size used on the citation:

(A) That the suspension or civil fine or both may be appealed as provided for in paragraph (4) of this subsection;

(B) The procedures by which such appeal shall be requested, including the mailing, overnight delivery, and hand delivery address to be used for such requests, specifying the required methods of delivery;

(C) That such suspension or civil fine or both shall be deemed final if no appeal is made within 30 days; and

(D) That if no appeal is made, use of Authority services or entry upon Authority property is forbidden and subsequent use of services or entry upon property during a period of suspension shall constitute criminal trespass under Code Section 16-7-21 of the O.C.G.A.

(4) A citation may be appealed to the Authority by written request by registered or certified mail, statutory overnight delivery, or hand delivery within 30 days of the issuance of such citation. Within ten days of receipt of a request for a hearing, the Authority shall respond to the person requesting a hearing to schedule a hearing date, which shall be no later than 30 days from the receipt of the request. If no hearing is requested within 30 days of the issuance of a citation, the suspension or fine issued shall be deemed final and become effective immediately.

(5) The Board shall hire a neutral licensed attorney to be known as the hearing officer to hear the appeal. Such attorney shall be a member in good standing with the State Bar of Georgia, have been in the practice of law for at least five years, and be

appointed for one or more terms of two years subject to removal by majority vote of the Board only for good cause. The Board may appoint more than one neutral licensed attorney to serve as hearing officers subject to the requirements of this paragraph should the case load so require.

(6) The hearing shall, with respect to rules of evidence and procedure, be conducted in accordance with Chapter 13 of Title 50 of the O.C.G.A, the 'Georgia Administrative Procedure Act.'

(7) Within 30 days after the final decision from the hearing officer, a petition may be filed in superior court of the county where the alleged conduct occurred that resulted in a citation. A copy of the petition shall be served upon the Authority. The petition shall state that the petitioner is aggrieved by the decision and the grounds upon which the petitioner contends the decision should be reversed. The filing of a petition for judicial review in superior court does not itself stay enforcement of the citation. The court may reverse or modify the decision if substantial rights of the petitioner have been prejudiced because the decision was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record.

(8) The Authority may pursue any and all legal remedies for the collection of outstanding fines.

(9) All rules and regulations governing the conduct of the public in or upon the Authority's transportation system and the length of suspension or civil fine or penalty for infraction of such rules and regulations shall be posted in a prominent location on the Authority's website."

SECTION 5.

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

"(b)(1) Rate of Tax. The tax when levied shall be at the rate of one (1%) percent until and including June 30, ~~2047~~ 2057, and shall thereafter be reduced to one-half (1/2%) of one percent. Said tax shall be added to the State Sales and Use Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State Revenue Commissioner is hereby authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax herein imposed in the areas affected.

(2)(A) A local governing body which, on January 1, 1988, is not a party to the Rapid Transit Contract and Assistance Agreement specified in subsection (k) of this Section may enter into a rapid transit contract to provide public transportation services and facilities other than any extension of or addition to the Authority's existing rail rapid transit system and may levy a retail sales and use tax authorized under subsection (a) of this Section at the rate of ~~either one-half (1/2%) percent or~~ one (1%) percent, or one and one-half (1.5%) percent ~~as determined by that contract between such local governing body and the Authority~~. Such contract shall require that the costs of the transportation services and facilities contracted for, as determined by the Board of Directors on the basis of reasonable estimates,

allocation of costs and capital, and projections shall be borne by one or more of the following:

(i) Fares;

(ii) The proceeds of the tax levied in accordance with this subparagraph;

(iii) Other revenues generated by such services and facilities; and

(iv) Any subsidy provided, directly or indirectly, by or on behalf of that local governing body which is the party to the contract.

Notwithstanding any limitation in subsection (i) of this Section or any other provision of this Act, the proceeds of the retail sales and use tax levied pursuant to this subparagraph may be used in their entirety to pay the operating costs of the system, as defined in that subsection (i).

(B) In the event a local governing body which has entered into a rapid transit contract as authorized by subparagraph (A) of this paragraph thereafter determines that any extension of or addition to the Authority's existing rail rapid transit system should be constructed and operated within the territory of such local government, a separate rapid transit contract shall be required to provide for the local government's proper share of financing any such contemplated rapid transit project, and no retail sales and use tax authorized under subsection (a) of this Section may be levied to fulfill the obligations under that separate contract except at the rate of one (1%) percent <u>or one and one-half (1.5%) percent</u>. A separate rapid transit contract required by this subparagraph shall not be subject to the limitations of divisions (i) through (iv) of subparagraph (A) of this paragraph but shall be subject to the limitations regarding the use of the tax proceeds for the operating costs of the system under subsection (i) of this Section.

(C) A tax levied under this paragraph shall be added to the State Sales and Use Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State Revenue Commissioner is authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax imposed under this paragraph in the areas affected. Nothing in this paragraph shall be construed to require that any tax levied at a rate specified by this paragraph be reduced as provided for the one (1%) percent <u>or one and one-half (1.5%) percent</u> tax levied pursuant to paragraph (1) of this subsection.

(D) No contract shall be entered into by a local government pursuant to this paragraph unless and until the same has been approved in a referendum held in the political subdivision, which referendum shall be held in conjunction with and at the same time as a state-wide general election and which was called not less than 120 days prior to such referendum election.

<u>(3) On and after July 1, 2015, a local governing body which is a party to the Rapid Transit Contract and Assistance Agreement specified in subsection (k) of this section may by resolution, subject to approval by referendum in the jurisdiction of such governing body and concurrence by the Authority, levy the tax provided for by this section at the rate of one and one-half (1.5%) percent, notwithstanding the provisions of paragraph (1) of this subsection, but reduced after June 30, 2057, as provided</u>

therein. If all local governing bodies which are from time to time party to such Rapid Transit Contract and Assistance Agreement levy said tax at said rate, the use of the proceeds of such tax shall be as provided for by subsection (i) of this section; provided, however, that the incremental proceeds derived from the additional one-half (.5%) percent provided for by this paragraph shall be first utilized for capital and operations costs incurred in the expansion of facilities of the rapid transit system and, upon the conclusion of such expansion, thereafter as provided for by subsection (i) of this section. If fewer than all local governing bodies which are from time to time party to such Rapid Transit Contract and Assistance Agreement levy said tax at said rate, the incremental proceeds derived from the additional one-half (.5%) percent provided for by this paragraph shall be first utilized for capital and operations costs incurred in the expansion of facilities of the rapid transit system within and among the jurisdictions of the local governing bodies levying said tax at said rate and, upon the conclusion of such expansion, thereafter as provided for by subsection (i) of this section, but notwithstanding any other provision of said subsection, shall be utilized within and among the jurisdictions of the local governing bodies levying said tax at said rate."

"(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended~~; provided, however, that no more than fifty percent (50%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection, until January 1, 2002. For the period beginning January 1, 2002, and ending June 30, 2002; and for each fiscal year commencing thereafter until December 31, 2008, no more than fifty-five percent (55%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and for the period beginning January 1, 2009, and ending June 30, 2009, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. Such restrictions on the use of annual proceeds from local sales and use taxes shall be suspended through June 30, 2017~~. If the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Governor, the State Auditor, and the chairperson of the Metropolitan Atlanta Rapid Transit Overview Committee ~~annually the original and 14 copies of~~ every four years as provided in subsection (e) of Section 17 of this Act a report of the findings of a completed independent management ~~performance~~ audit of the Authority's current operations that was performed under contract with and at the expense of the Authority, along with any auditor's recommendations based thereon and the auditor's signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and allowed access to all its books, records, and documents

to the extent the auditor deemed necessary, then for the ~~period~~ four years beginning January 1~~, 2003, and ending June 30, 2003, and each fiscal year commencing thereafter until July 1, 2032,~~ of the year immediately following the year in which the completed independent management audit was due but not submitted, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. ~~For each fiscal year commencing on or after July 1, 2032, no more than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and commencing with July 1, 2032, and for every year thereafter, the proceeds of the tax shall not be used to subsidize operations of the transportation system to an extent greater than fifty percent (50%) of the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection.~~ In adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority shall be authorized to rely upon estimates of all revenues, operating costs, patronage, and other factors which may affect the amount of the fare required to limit the operating subsidy herein provided for. ~~If the results of any year's operations reflect that the proceeds of the tax were used to subsidize operations to an extent greater than herein provided, the Board shall adjust fares in order to make up the deficit in operations during a period of not to exceed three (3) succeeding years. If the results of operations in the Authority's fiscal year commencing July 1, 1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not used to subsidize operations to the maximum extent herein provided, the Board shall reserve any amounts that could have been used to subsidize operations in that fiscal year and later use said reserved amounts and any interest earned on said reserved amounts to provide an additional subsidy for operations in any future fiscal year or years.~~ The words 'operating costs of the system' for purposes of this subsection 25(i) are defined to include all of the costs of that division of the Authority directly involved and that portion of the nonoperating administrative costs of those divisions of the Authority indirectly involved, through the provision of support services, in providing mass transportation services for the metropolitan area, but exclusive of the costs of the division or divisions directly involved and that portion of the nonoperating administrative costs of those divisions indirectly involved, in the planning, design, acquisition, construction, and improvement of the rapid transit system, according to accepted principles of accounting, and also exclusive of the following costs:

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

(2) In the case of leases of equipment or facilities that, according to generally accepted principles of accounting, would not be classified as capital leases, payments

of rent, and other payments for the property subject to such leases or for the use thereof; provided that any costs for regular maintenance or repair of such equipment or facilities shall not be excluded.

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

SECTION 6.

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

SECTION 7.

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

The following amendment was read and adopted:

Representatives Jones of the 47th, Smyre of the 135th, and Roberts of the 155th offer the following amendment:

Amend the Senate substitute to HB 213 (HB 213/SCSFA/2) by deleting lines 5 and 6 and inserting in lieu thereof the following:

when a county joins the Authority; to

By deleting lines 97 through 126.

By redesignating Sections 3 through 7 as Sections 2 through 6, respectively.

By deleting "subsection (b)" *on line 199 and inserting in lieu thereof* "paragraph (1) of subsection (b), subparagraph (b)(2)(A),".

By deleting lines 212 and 213 and inserting in lieu thereof the following:

of this Section at the rate of ~~either one half (1/2%) percent or~~ one (1%) percent~~, as determined by that contract between such local~~

By adding a quotation mark after the period at the end of line 226.

By deleting lines 227 through 272.

Representative Jones of the 47th moved that the House agree to the Senate substitute, as amended by the House, to HB 213.

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

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

On the motion, the ayes were 143, nays 24.

The motion prevailed.

The Speaker announced the House in recess until 4:15 o'clock, this afternoon.

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 944. By Representative Allison of the 8th:

A RESOLUTION recognizing and commending Mr. John Preston on his outstanding public service; and for other purposes.

HR 945. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Board of Governors recipient, Dr. Paul Ferguson; and for other purposes.

HR 946. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Mr. Gary Jones, Rome City School Teacher of the Year for 2016; and for other purposes.

HR 947. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION commending Roy Mitchell, Floyd County's 2015 Teacher of the Year; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 266. By Representative Battles of the 15th:

A BILL to be entitled an Act to amend Code Section 47-1-12 of the Official Code of Georgia Annotated, relating to investment and reinvestment of assets of local retirement system, valuation and limitation on investments, and duties of the state auditor, so as to correct certain provisions relative to the investment authority of local retirement systems; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct certain provisions relative to the investment authority of local retirement systems; to correct the name of a certain council; to modify a definition related to the Georgia Municipal Employees Benefit System; to modify provisions related to the return of mandatory employee contributions in the Georgia Municipal Employees Benefit System; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended in Chapter 1, relating to investment and reinvestment of assets of local retirement system, valuation and limitation on investments, and duties of the state auditor, by revising subsection (a) of Code Section 47-1-12, relating to investment and reinvestment of assets of local retirement system, as follows:

"(a) The board of trustees of any local retirement system shall have full power to invest and reinvest assets of the retirement system and to purchase, hold, sell, assign, transfer, and dispose of any securities and other investments in which assets of the retirement system have been invested, any proceeds of any investments, and any money belonging to the retirement system; provided, however, that, except as otherwise provided in this Code section, such power shall be subject to all terms, conditions, limitations, and restrictions imposed by ~~the laws of this state upon domestic life insurance companies~~ Article 7 of Chapter 20 of this title in making and disposing of their investments."

SECTION 2.

Said title is further amended in Chapter 2, relating to the Employees' Retirement System of Georgia, by revising paragraph (1) of subsection (a) of Code Section 47-2-323, relating to membership in retirement system of employees of the Georgia Public Defender Standards Council, creditable service, and contributions, as follows:

"(1) 'Council' means the Georgia Public Defender ~~Standards~~ Council established by Code Section 17-12-3."

SECTION 3.

Said title is further amended in Chapter 5, relating to the Georgia Municipal Employees Benefit System, by revising paragraph (6) of Code Section 47-5-2, relating to definitions, as follows:

"(6) 'Employee' means any full-time salaried or hourly rated person in the active service of an employer and any employees of the board of trustees. Notwithstanding any laws to the contrary, the term also includes any appointed or elected member of the governing authority of a municipal corporation of this state or of an employer created pursuant to the charter of a municipal corporation of this state, the chief legal officer or any associate legal officer of a municipal corporation, and any municipal officer elected or appointed to preside over the court of a municipal corporation. Said

term shall also include part-time employees of an employer for the purposes of participating in employee benefit plans."

SECTION 4.

Said title is further amended in said chapter by revising Code Section 47-5-47, relating to return of contributions to employee or employee's estate, as follows:

"47-5-47.

~~Plans~~ Except as otherwise provided with respect to the provision of death benefits under a plan, plans providing for retirement benefits established under this chapter shall provide that mandatory contributions made by a participating employee shall be returned to such ~~employee~~ employee's surviving spouse or ~~his~~ to the estate of the participant or the participant's pre-retirement beneficiary in the event of death before retirement. If the employee is separated from employment prior to the time he or she is eligible for retirement benefits, such contributions shall be returned unless the employee chooses to claim his or her vested benefits, in which case the employee contributions shall remain with the fund until such time as the employee becomes eligible for the vested benefits. Such contributions may be returned without interest or with such interest as is provided in the plan."

SECTION 5.

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

The following amendment was read and adopted:

Representative Battles of the 15th offers the following amendment:

Amend the Senate substitute to HB 266 (LC 43 0150S) by striking lines 1 through 58 and inserting in lieu thereof the following:

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct certain provisions relative to the investment authority of local retirement systems; to correct the name of a certain council; to modify a definition related to the Georgia Municipal Employees Benefit System; to modify provisions related to the return of mandatory employee contributions in the Georgia Municipal Employees Benefit System; to provide new definitions; to change a term for membership of the board; to provide for a break in employment for certain members; to clarify provisions related to leaves of absence, withdrawal of dues, and application for reinstatement as an active member; to clarify provisions for failure to pay dues and the reinstatement process; to permit selection of up to five beneficiaries to receive equal portions of certain benefits upon the death of certain members; to provide for certain penalties for false statements or falsified records; 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 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended in Chapter 1, relating to investment and reinvestment of assets of local retirement system, valuation and limitation on investments, and duties of the state auditor, by revising subsection (a) of Code Section 47-1-12, relating to investment and reinvestment of assets of local retirement system, as follows:

"(a) The board of trustees of any local retirement system shall have full power to invest and reinvest assets of the retirement system and to purchase, hold, sell, assign, transfer, and dispose of any securities and other investments in which assets of the retirement system have been invested, any proceeds of any investments, and any money belonging to the retirement system; provided, however, that, except as otherwise provided in this Code section, such power shall be subject to all terms, conditions, limitations, and restrictions imposed by ~~the laws of this state upon domestic life insurance companies~~ Article 7 of Chapter 20 of this title in making and disposing of their investments."

SECTION 2.

Said title is further amended in Chapter 2, relating to the Employees' Retirement System of Georgia, by revising paragraph (1) of subsection (a) of Code Section 47-2-323, relating to membership in retirement system of employees of the Georgia Public Defender Standards Council, creditable service, and contributions, as follows:

"(1) 'Council' means the Georgia Public Defender ~~Standards~~ Council established by Code Section 17-12-3."

SECTION 3.

Said title is further amended in Chapter 5, relating to the Georgia Municipal Employees Benefit System, by revising paragraph (6) of Code Section 47-5-2, relating to definitions, as follows:

"(6) 'Employee' means any full-time salaried or hourly rated person in the active service of an employer and any employees of the board of trustees. Notwithstanding any laws to the contrary, the term also includes any appointed or elected member of the governing authority of a municipal corporation of this state or of an employer created pursuant to the charter of a municipal corporation of this state, the chief legal officer or any associate legal officer of a municipal corporation, and any municipal officer elected or appointed to preside over the court of a municipal corporation. Said term shall also include part-time employees of an employer for the purposes of participating in employee benefit plans."

SECTION 4.

Said title is further amended in said chapter by revising Code Section 47-5-47, relating to return of contributions to employee or employee's estate, as follows:

"47-5-47.

~~Plans~~ Except as otherwise provided with respect to the provision of death benefits under a plan, plans providing for retirement benefits established under this chapter shall provide that mandatory contributions made by a participating employee shall be returned to such ~~employee~~ employee's surviving spouse or ~~his~~ to the estate of the participant or the participant's pre-retirement beneficiary in the event of death before retirement. If the employee is separated from employment prior to the time he or she is eligible for retirement benefits, such contributions shall be returned unless the employee chooses to claim his or her vested benefits, in which case the employee contributions shall remain with the fund until such time as the employee becomes eligible for the vested benefits. Such contributions may be returned without interest or with such interest as is provided in the plan."

SECTION 5.

Said title is further amended in Chapter 7, relating to the Georgia Firefighters' Pension Fund, by adding new paragraphs to Code Section 47-7-1, relating to definitions, as follows:

"47-7-1.

As used in this chapter, the term:

(1) 'Active member' means an individual who has been granted membership in the fund in accordance with the rules of this chapter and who is not an inactive member, a suspended member, a retired member, or a withdrawn member.

~~(1)~~(2) 'Board' means the Board of Trustees of the Georgia Firefighters' Pension Fund.

~~(2)~~(3) 'Fire department' means a ~~full time~~ full-time fire department or volunteer fire department or a combination ~~full time~~ full-time and volunteer fire department which satisfies the following criteria:

(A) The fire department ~~is certified by the superintendent of~~ holds a valid certificate of compliance issued by the Georgia Firefighter Standards and Training Council ~~as provided in~~ pursuant to Article ~~1~~ 2 of Chapter ~~4~~ 3 of Title 25; and

(B) The public fire suppression facilities of the fire department are ratable not less favorably than a class nine rating under standards set forth in the Fire Suppression Rating Schedule, Section I, Public Fire Suppression, Edition 6-80, Copyright 1980, published by the Insurance Services Office, a rating organization licensed by the Commissioner of Insurance, which schedule is maintained on file with the Commissioner of Insurance as required by general law and which has not been disapproved by the Commissioner, or less than a rating which the board by regulation determines is substantially equivalent under rating standards published by a rating organization licensed by the Commissioner of Insurance performing similar rating functions which standards are maintained on file with the Commissioner of Insurance and which have not been disapproved by the Commissioner.

The board may require annual certification by the chief of a fire department of the satisfaction of such requirements as a condition to the eligibility of firefighters and

volunteer firefighters to become members of the fund to obtain creditable service with the fund.

~~(3)~~(4) 'Firefighter' means a person who is:

(A) A permanent, compensated employee of a fire department who in the course of his or her employment by and within a department either is a candidate for or holds a current firefighter's certificate issued under Article 1 of Chapter 4 of Title 25 and has as incident to his or her position of employment the principal duty of, and actually performs the function of, preventing and suppressing fires and who works at least 1,040 hours per year; provided, however, that such term shall not include persons whose primary responsibility is the performance of emergency medical services; or

(B) Appointed and regularly enrolled as a volunteer with a volunteer fire department or combination ~~full time~~ full-time and volunteer fire department which satisfies the requirements specified in subparagraph (a)(1)(D) of Code Section 25-3-23 and who, as a volunteer firefighter, has and primarily performs the principal responsibility of preventing or suppressing fires.

~~(4)~~(5) ~~'Full time~~ 'Full-time fire department' means a ~~full time~~ full-time department, bureau, division, or other organizational unit, separately organized and administered as such, of this state or any municipality or other political subdivision thereof, which organizational unit:

(A) Has, as an organizational unit, the principal responsibility to prevent and suppress fires; and

(B) Is financed by public appropriation or subscription and is not privately owned.

A ~~full time~~ full-time fire department includes the fire chief or chief operating officer of the organizational unit and only those employees who are under the direction and supervision of the fire chief or chief operating officer.

~~(5)~~(6) 'Fund' means the Georgia Firefighters' Pension Fund.

(7) 'Inactive member' means an individual who was an active member of the fund who obtained a leave of absence in accordance with Code Section 47-7-41 and who has not withdrawn his or her dues pursuant to Code Section 47-7-60.

~~(5.1)~~(8) ~~'Part time~~ 'Part-time employment' means working at a permanent job position for less than 40 hours a week but at least 1,040 hours a year.

(9) 'Retired member' means an individual who was an active member of the fund who has commenced receipt of benefits pursuant to Article 6 of this chapter or pursuant to Code Section 47-7-102.

(10) 'Suspended member' means an individual who was an active member of the fund who owes at least six months of dues payments pursuant to Code Section 47-7-60.

~~(6)~~(11) 'Volunteer fire department' means a volunteer fire department staffed by firefighters, volunteer firefighters, or a combination of firefighters and volunteer firefighters, separately organized and administered as such, of this state or any municipality or other political subdivision of this state or serving any fire district therein, which:

(A) Has the principal responsibility to prevent and suppress fires;

(B) Is financed by public appropriation or subscription and is not privately owned;
(C) Holds drills and meetings of not less than eight hours monthly; and
(D) Meets the requirements imposed by Code Section 47-7-81.

~~(7)~~(12) 'Volunteer firefighter' means an individual who is appointed and regularly enrolled as a volunteer, with or without compensation, with a fire department; who, as a volunteer firefighter, has and primarily performs the principal responsibility of preventing or suppressing fires; and who satisfies the requirements specified in subparagraph (a)(1)(D) of Code Section 25-3-23.

(13) 'Withdrawn member' means an individual who was an active member of the fund who has had his or her moneys refunded pursuant to Code Section 47-7-105."

SECTION 6.

Said title is further amended in said chapter by revising paragraph (4) of subsection (a) of Code Section 47-7-20, relating to membership of the board, manner of election, and compensation and expenses, as follows:

"(4) One retired ~~beneficiary~~ member of the fund appointed by the Governor."

SECTION 7.

Said title is further amended in said chapter by revising subsection (d) of Code Section 47-7-40, relating to eligibility to apply for membership and transfer of Georgia Class Nine Fire Department Pension Fund, as follows:

"(d) Any person who, on June 30, 2006, was an active member of the fund by virtue of holding a position other than as a ~~certified~~ firefighter ~~or a candidate for such certification~~, in accordance with the qualifications for membership in effect on that date, shall be entitled to remain a member of the fund; provided, however, that if such person has a break in ~~membership~~ such position that qualified him or her for membership on June 30, 2006, or any other eligible employment provided by this Code section, for greater than 30 days, that member shall be deemed a suspended member, and any future membership shall be subject to laws and regulations in effect ~~at such time~~ when that member's application for reinstatement as an active member is approved."

SECTION 8.

Said title is further amended in said chapter by revising Code Section 47-7-41, relating to effect of withdrawal of contributions or termination of employment, eligibility for reinstatement, credit for time spent on leave of absences and resumption of payments to fund upon return of service, as follows:

"47-7-41.

(a)(1) Any active member ~~of the fund who is in good standing with the fund,~~ who leaves work as a firefighter or volunteer firefighter, and who elects to leave in the fund during such leave from work as a firefighter or voluntary firefighter the dues which the member has theretofore paid, shall, upon application to the board, be entitled to obtain a leave of absence from the fund for a period of not more than two

years and shall be deemed an inactive member. ~~Upon application prior to the expiration of any leave of absence or extended leave of absence, such a member shall be entitled to an extension of such leave of absence for a period of not greater than two years.~~ An inactive member may apply for additional leaves of absence from the fund every two years. If ~~a member who leaves work as a firefighter or volunteer firefighter~~ an inactive member fails to apply for and maintain in effect a leave of absence, the board may treat such failure as an election to withdraw from membership in the fund as provided in subsection (b) of this Code section and Code Section 47-7-105.

(2) ~~A~~ An inactive member ~~of the fund who obtains a leave of absence under paragraph (1) of this subsection~~ shall, upon application to the board, be entitled to reinstatement ~~to active status in the fund~~ as an active member; provided, however, that upon such application, the applicant meets the requirements set forth in Code Section 47-7-40 as a prerequisite to reinstated active membership. Such a reinstated active member shall be entitled to credit for service rendered before obtaining a leave of absence and after reinstatement but shall not be entitled to credit for any period during such leave of absence.

(b)~~(1)~~ ~~A~~ Any member may at any time elect to withdraw from membership in the fund and upon such withdrawal shall be entitled to a refund of ~~dues theretofore paid by such member~~ moneys as provided in Code Section 47-7-105~~.~~, and such member shall be deemed a withdrawn member. Any withdrawn member ~~who elects to withdraw from membership in the fund~~ shall not thereafter be eligible for membership or benefits except upon reinstatement to active membership in accordance with this subsection. Any ~~such~~ withdrawn member may make application to the board for reinstatement ~~of membership~~ as an active member. Upon making such application, the applicant must pay to the fund a reinstatement fee of $100.00. An applicant for reinstatement of membership in the fund as provided in this subsection shall not be entitled to such reinstatement unless at the time of such application the applicant meets the requirements set forth in Code Section 47-7-40. Upon reinstatement, such reinstated active member shall be entitled to credit for service rendered after reinstatement ~~to active membership in the fund~~ as an active member but not for service prior to the date of reinstatement. Any such applicant who fails to satisfy the requirements of reinstatement shall not be entitled to ~~membership in the fund~~ reinstatement as an active member.

~~(2) An applicant for reinstatement of membership in the fund as provided in this subsection shall not be entitled to such reinstatement unless at the time of such application the applicant meets the requirements set forth in Code Section 47-7-40.~~"

SECTION 9.

Said title is further amended in said chapter by revising Code Section 47-7-60, relating to dues required of members and effect of failure to pay dues in timely manner, as follows:

"47-7-60.

(a) Each ~~firefighter or volunteer firefighter accepted for membership in the fund~~ active member shall pay to the fund the sum of $25.00 for each month of service as a firefighter or volunteer firefighter in a fire department. Such monthly payments shall be due on or before the tenth day of each month of service.

(b)(1) Any active member who becomes six months in arrears in making such payments shall be ~~removed from membership in the fund and shall thereafter be ineligible for membership in or benefits under the fund, except as provided in this subsection and in subsection (c) of this Code section~~ deemed a suspended member.

(2) ~~Any member who has been removed from membership in the fund under paragraph (1) of this subsection~~ A suspended member may make application to the board for reinstatement ~~of membership~~ as an active member. As a condition of such reinstatement, the applicant must pay to the fund a reinstatement fee of $100.00. Upon such reinstatement as an active member, such member shall be entitled to credit for service rendered after reinstatement. If such member has not withdrawn the dues he or she paid to the fund prior to ~~the suspension~~ becoming a suspended member, then he or she shall ~~also~~ be entitled to creditable service for service rendered prior to ~~the suspension~~ his or her becoming a suspended member.

~~(3) An applicant~~ A suspended member who applies for reinstatement ~~of membership in the fund as provided in this subsection~~ as an active member shall not be entitled to reinstatement unless at the time of such application the applicant meets the requirements set forth in Code Section 47-7-40 ~~as a prerequisite to reinstatement to active membership~~.

(c) If a suspended member who has attained the minimum service credits required for a normal retirement benefit under Code Section 47-7-100 ~~is suspended from membership in the fund under this Code section and~~ is not reinstated as an active member, then, provided that such member does not withdraw dues paid to the fund, ~~prior to his or her suspension, upon termination of service,~~ such member shall be entitled to a normal retirement benefit payable under Code Section 47-7-100. The normal retirement benefit to which such member may thereafter become entitled upon termination of service shall be calculated as of the date of the member's suspension from the fund, using the service credits and age the member had attained on the date of suspension, which shall be deemed to be the youngest age at which early retirement benefits may commence or such greater age as the member has actually attained on that date, and the maximum monthly benefit in effect on such date of ~~suspension~~ becoming a suspended member."

SECTION 10.

Said title is further amended in said chapter by revising paragraph (2) of subsection (d) and paragraph (2) of subsection (h) of Code Section 47-7-100, relating to eligibility for full pension benefits, eligibility for partial benefits, optional pension benefits, vesting of rights to pension benefits, and early retirement provisions, as follows:

"(2) Option B, the ten years' certain and life option, shall consist of a decreased retirement benefit payable to the member during the member's lifetime; and, in the event of the member's death within ten years after the member's retirement, the same monthly benefits shall be payable to the member's selected beneficiary, or, if the member so elects, the total monthly benefit may be divided equally among up to five selected beneficiaries, for the balance of such ten-year period."

"(2) If any member who has not elected an option under subsection (d) of this Code section dies after accruing at least 15 years of creditable service but before applying for retirement as provided in this Code section, and such member is not survived by a spouse, ~~the~~ up to five selected ~~beneficiary~~ beneficiaries shall be entitled to receive a benefit, equally apportioned among the selected beneficiaries, as if the member had elected to receive Option B as provided in paragraph (2) of subsection (d) of this Code section."

SECTION 11.

Said title is further amended in said chapter by revising Code Section 47-7-103, relating to benefits payable to a named beneficiary upon death of a member before benefits have commenced or before benefits equal to the member's dues have been paid, as follows:

"47-7-103.

(a) In the event of the death of ~~a~~ an active member ~~of the fund who is in good standing and~~ who has not commenced receiving any benefits under this chapter, ~~the designated beneficiary~~ up to five selected beneficiaries of such deceased member shall be entitled to be paid the amount of $5,000.00 split equally among the selected beneficiaries, upon any selected beneficiary making proper application to the executive director of the fund. Such application shall be accompanied by a certified copy of the death certificate of the deceased member and such other information as may be required by the board.

(b) In the event of the death of a retired member of the fund ~~who is in good standing,~~ who has not elected survivor benefits under Option A or B as provided for in subsection (d) of Code Section 47-7-100~~,~~ and who has commenced receiving benefits under this chapter, but who has not received total benefits in an amount equal to $5,000.00, ~~the member's named beneficiary~~ up to five beneficiaries selected by the member shall be entitled to receive an equally apportioned amount from the difference between $5,000.00 and the amount of benefits received by such deceased member, upon making application as provided for in subsection (a) of this Code section."

SECTION 12.

Said title is further amended in said chapter by revising Code Section 47-7-126, relating to penalty for false statements or falsified records and correction of errors by the board, as follows:

"47-7-126.

(a) Any person who knowingly makes any false statements or falsifies or permits to be falsified any records of the fund in an attempt to defraud the fund shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be

punished by a fine not to exceed ~~$500.00~~ $2,000.00, imprisonment for up to 12 months, or both.

(b) On and after July 1, 2015, if the board finds, after notice and opportunity for a hearing conducted in accordance with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' that any person on or after July 1, 2015, has knowingly:

(1) Made a material false statement or falsified or permitted to be falsified any records of the fund or documents of the fund in an attempt to defraud the fund;

(2) Obtained or continued membership in the fund while not eligible to become or remain a member of the fund;

(3) Obtained benefits that he or she is not entitled to receive; or

(4) Obtained benefits in an amount greater than he or she is entitled to receive,

the board may order that such person shall forfeit all rights and benefits that he or she may be entitled to under the fund. Any person who is aggrieved or adversely affected by a final action of the board under this subsection shall have the right of judicial review in the superior courts.

(c) If any change or error in the records of the fund results in any member or beneficiary receiving from it more or less than such member or beneficiary would have been entitled to receive had the records been correct, the board shall have the power to correct such error and to adjust the payments as far as is practicable and in such manner that the actuarial equivalent of any additional benefit to which such member or beneficiary was correctly entitled shall be paid or in such manner that any excess payment shall be recovered."

SECTION 13.

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

Representative Battles of the 15th moved that the House agree to the Senate substitute, as amended by the House, to HB 266.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner

Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Beverly	Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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 LaRiccia	Y Rogers, C	Y Wilkerson
Y 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	E Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	E Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the motion, the ayes were 168, nays 0.

The motion prevailed.

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

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

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 President has appointed as a Committee of Conference on the part of the Senate the following Senators: Henson of the 41st, Millar of the 40th, and Albers of the 56th.

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

SB 94. By Senators Bethel of the 54th and Cowsert of the 46th:

A BILL to be entitled an Act to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to require a procedure for enhancing witness identification accuracy; to provide for definitions; to provide for written policies relating to witness identification protocol; to provide for policy requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 152. By Representatives Duncan of the 26th, Dudgeon of the 25th, Tankersley of the 160th, Martin of the 49th, Frye of the 118th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 3 of the O.C.G.A., relating to the regulation of alcoholic beverages generally, so as to impose certain requirements upon holders of certain alcohol licenses and those who issue such licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 268. By Representatives Ballinger of the 23rd, Chandler of the 105th, Clark of the 101st, Oliver of the 82nd, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse and when it is mandated or authorized, so as to change provisions relating to mandatory reporters; to provide for procedure; 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 84. By Representatives Cheokas of the 138th, Meadows of the 5th, Duncan of the 26th and Smith of the 134th:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to prohibit denial of an aircraft claim unless the insured's action or failure to act had a direct causal connection to the loss upon which the claim is based; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 217. By Representatives Maxwell of the 17th, Bentley of the 139th, Greene of the 151st, Coleman of the 97th, Buckner of the 137th and others:

A BILL to be entitled an Act to amend Code Section 47-20-83 of the Official Code of Georgia Annotated, relating to certificated or uncertificated forms of investments and real estate investments, so as to authorize public retirement systems to invest in mutual funds, commingled funds, collective investment funds, common trusts, and group trusts; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 409. By Representatives Taylor of the 173rd, Sims of the 123rd, Harbin of the 122nd, Cooper of the 43rd, Carter of the 175th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance general provisions, so as to provide reimbursement for the treatment of burns for skin substitutes utilizing cadaver derived skin tissue or nonhuman xenographic derived skin tissue; to provide for related matters; 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, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

SB 89. By Senators Albers of the 56th, Beach of the 21st, Hufstetler of the 52nd, Black of the 8th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to textbooks for elementary and secondary education, so as to require instructional materials and content to be in digital or electronic format after a certain date; to require local boards of education to provide wireless electronic devices for students to access instructional materials and content; to revise provisions for purposes of conformity; to provide for a short title; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to address issues relating to the advancement and use of technology in schools; to establish and implement policies and requirements

with respect to the collection and disclosure of student data; to provide for a short title; to provide for legislative intent and findings; to provide for definitions; to provide for a Department of Education leader to serve as the chief privacy officer; to provide disclosures and requirements for the state data system; to provide for student data collection and reporting restrictions; to provide for a detailed data security plan for the state data system; to provide for restrictions on the use of student data by operators; to provide for parental rights to inspect and correct student data; to provide for rules and regulations; to provide for related matters; to amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to textbooks for elementary and secondary education, so as to encourage local boards of education to provide instructional materials and content to be in digital or electronic format; to encourage local boards of education to provide wireless electronic devices for students to access instructional materials and content; to revise provisions for purposes of conformity; to provide for a short title; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Article 15, which is reserved, to read as follows:

"ARTICLE 15

20-2-660.
This article shall be known and may be cited as the 'Student Data Privacy, Accessibility, and Transparency Act.'

20-2-661.
(a) The General Assembly acknowledges that student data is a vital resource for parents, teachers, and school staff, and it is the intent of the General Assembly to ensure that student data is safeguarded and that students' and parents' privacy is honored, respected, and protected.
(b) The General Assembly finds that:
(1) Student data allows parents and students to make more informed choices about educational programs and to better gauge a student's educational progress and needs;
(2) Teachers and school staff utilize student data in planning responsive education programs and services, scheduling students into appropriate classes, and completing reports for educational agencies;

(3) Student information is critical in helping educators assist students in successfully graduating from high school and preparing to enter the workforce or postsecondary education;
(4) In emergencies, certain information should be readily available to school officials and emergency personnel to assist students and their families;
(5) A limited amount of this information makes up a student's permanent record or transcript; and
(6) Student information is important for educational purposes, and it is also critically important to ensure that student information is protected, safeguarded, kept private, and used only by appropriate educational authorities to serve the best interests of the student.

20-2-662.
As used in this article, the term:
(1) 'Aggregate student data' means data that is not personally identifiable and that is collected or reported at the group, cohort, or institutional level.
(2) 'De-identified data' means a student data set that is not student personally identifiable information because the local board of education or department or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.
(3) 'Department' means the Department of Education.
(4) 'Education record' means an education record as defined in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, 20 U.S.C. Section 1232g; and 34 C.F.R. Part 99.3. An education record does not include the types of student data excepted in FERPA, does not include student data collected by an operator when it is used for internal operations purposes, does not include student data that is not formatted for or expected to be accessed by school, local board of education, or department employees, nor does it include student data that a local board of education determines cannot reasonably be made available to the parent or eligible student.
(5) 'Eligible student' means a student who has reached 18 years of age or is attending an institution of postsecondary education.
(6) 'K-12 school purposes' means purposes that take place at the direction of the K-12 school, teacher, or local board of education or aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, preparing for postsecondary education or employment opportunities, and collaboration between students, school personnel, or parents, or are for the use and benefit of the school.
(7) 'Online service' includes cloud computing services.
(8) 'Operator' means any entity other than the department, local boards of education, the Georgia Student Finance Commission, or schools to the extent that the entity:

(A) Operates an Internet website, online service, online application, or mobile application with actual knowledge that the website, service, or application is used for K-12 school purposes and was designed and marketed for K-12 school purposes to the extent that it is operating in that capacity; and

(B) Collects, maintains, or uses student personally identifiable information in a digital or electronic format.

(9) 'Provisional student data' means new student data proposed for inclusion in the state data system.

(10) 'State-assigned student identifier' means the unique student identifier assigned by the state to each student that shall not be or include the social security number of a student in whole or in part.

(11) 'State data system' means the department state-wide longitudinal data system established pursuant to Code Section 20-2-320.

(12) 'Student data' means information regarding a K-12 student who is a resident of this state that is collected and maintained at the individual student level in this state, including but not limited to:

(A) Data descriptive of a student in any media or format, including but not limited to:

(i) The student's first and last name;

(ii) The name of the student's parent or other family members;

(iii) The physical address, email address, phone number, or other information that allows physical or online contact with the student or student's family;

(iv) A student's personal identifier, such as the student number, when used for identification purposes;

(v) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(vi) State, local, school, or teacher administered assessment results, including participation information;

(vii) Transcript information including but not limited to courses taken and completed, course grades and grade point average, credits earned, degree, diploma, credential attainment, or other school exit information;

(viii) Attendance and mobility information between and within local school systems in this state;

(ix) The student's sex, race, and ethnicity;

(x) Program participation information required by state or federal law;

(xi) Disability status;

(xii) Socioeconomic information;

(xiii) Food purchases; or

(xiv) Emails, text messages, documents, search activity, photos, voice recordings, and geolocation information; or

(B) Such information that:

(i) Is created or provided by a student, or the student's parent or legal guardian, to an employee or agent of the school, local board of education, or the department or

to an operator in the course of the student's or parent's or legal guardian's use of the operator's site, service, or application for K-12 school purposes;

(ii) Is created or provided by an employee or agent of the school or local board of education, including to an operator in the course of the employee's or agent's use of the operator's site, service, or application for K-12 school purposes; or

(iii) Is gathered by an operator through the operation of an operator's site, service, or application for K-12 school purposes.

(13) 'Student personally identifiable data' or 'student personally identifiable information' or 'personally identifiable information' means student data that personally identifies a student that, alone or in combination, is linked to information that would allow a reasonable person who does not have personal knowledge of the relevant circumstances to identify the student.

(14) 'Targeted advertising' means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or student data. 'Targeted advertising' does not include advertising to a student at an online location based upon that student's current visit to that location or single search query without collection and retention of a student's online activities over time.

20-2-663.

(a) The State School Superintendent shall designate a senior department employee to serve as the chief privacy officer of the department to assume primary responsibility for data privacy and security policy, including:

(1) Establishing department-wide policies necessary to assure that the use of technologies sustains, enhances, and does not erode privacy protections relating to the use, collection, and disclosure of student data;

(2) Ensuring that student data contained in the state data system is handled in full compliance with this article, the federal Family Educational Rights and Privacy Act, and other state and federal data privacy and security laws;

(3) Evaluating legislative and regulatory proposals involving use, collection, and disclosure of student data by the department;

(4) Conducting a privacy impact assessment on legislative proposals, regulations, and program initiatives of the department, including the type of personal information collected and the number of students affected;

(5) Coordinating with the Attorney General's office and other legal entities as necessary to ensure that state programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner;

(6) Preparing an annual report to the General Assembly on activities of the department that affect privacy, including complaints of privacy violations, internal controls, and other matters;

(7) Working with the department general counsel and other officials in engaging with stakeholders about the quality, usefulness, openness, and privacy of data;

(8) Establishing and operating a department-wide Privacy Incident Response Program to ensure that incidents involving department data are properly reported, investigated, and mitigated, as appropriate;

(9) Establishing a model process and policy for any parent to file complaints of privacy violations or inability to access his or her child's education records against the responsible local board of education pursuant to Code Section 20-2-667; and

(10) Providing training, guidance, technical assistance, and outreach to build a culture of privacy protection, data security, and data practice transparency to students, parents, and the public among all state and local governmental education entities that collect, maintain, use, or share student data.

(b) The chief privacy officer may investigate issues of compliance with this article and with other state data privacy and security laws by the department and local boards of education and may:

(1) Have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the department that relate to programs and operations with respect to the responsibilities of the chief privacy officer under this Code section;

(2) Make such investigations and reports relating to the administration of the programs and operations of the department as are necessary or desirable; and

(3) In matters relating to compliance with federal laws, refer the matter to the appropriate federal agency and cooperate with any investigations by such federal agency.

20-2-664.

The department shall:

(1) Create, publish, and make publicly available a data inventory and dictionary or index of data elements with definitions of student personally identifiable data fields in the state data system to include, but not be limited to:

(A) Any student personally identifiable data required to be reported by state and federal education mandates;

(B) Any student personally identifiable data which is included or has been proposed for inclusion in the state data system with a statement regarding the purpose or reason for the proposed collection; and

(C) Any student data that the department collects or maintains with no current identified purpose;

(2) Develop, publish, and make publicly available policies and procedures for the state data system to comply with this article and other applicable state and federal data privacy and security laws, including the federal Family Educational Rights and Privacy Act. Such policies and procedures shall include, at a minimum:

(A) Restrictions on granting access to student data in the state data system, except to the following:

(i) Students and their parents, as provided by the collecting local board of education;

(ii) The authorized administrators, teachers, and other school personnel of local boards of education, and the contractors or other authorized entities working on their behalf, that enroll students who are the subject of the data and who require such access to perform their assigned duties;

(iii) The authorized staff of the department, and the contractors or other authorized entities working on behalf of the department, who require such access to perform their assigned duties as authorized by law or defined by interagency or other data sharing agreements; and

(iv) The authorized staff of other state agencies in this state as required or authorized by law, including contractors or other authorized entities working on behalf of a state agency that require such access to perform their duties pursuant to an interagency agreement or other data sharing agreement;

(B) Prohibitions against publishing student data other than aggregate data or de-identified data in public reports; and

(C) Consistent with applicable law, criteria for the approval of research and data requests from state and local agencies, the General Assembly, those conducting research including on behalf of the department, and the public that involve access to student personally identifiable information;

(3) Unless otherwise provided by law or approved by the State Board of Education, not transfer student personally identifiable data to any federal, state, or local agency or nongovernmental organization, except for disclosures incident to the following actions:

(A) A student transferring to another school or school system in this state or out of state or a school or school system seeking help with locating a transferred student;

(B) A student enrolling in a postsecondary institution or training program;

(C) A student registering for or taking a state, national, or multistate assessment where such data is required to administer the assessment;

(D) A student voluntarily participating in a program for which such a data transfer is a condition or requirement of participation;

(E) The federal government requiring the transfer of student data for a student classified as a 'migrant' for related federal program purposes;

(F) A federal agency requiring student personally identifiable data to perform an audit, compliance review, or complaint investigation; or

(G) An eligible student or student's parent or legal guardian requesting such transfer;

(4) Develop a detailed data security plan for the state data system that includes:

(A) Guidelines for authorizing access to the state data system and to student personally identifiable data including guidelines for authentication of authorized access;

(B) Privacy and security audits;

(C) Plans for responding to security breaches, including notifications, remediations, and related procedures;

(D) Data retention and disposal policies;

(E) Data security training and policies including technical, physical, and administrative safeguards;

(F) Standards regarding the minimum number of students or information that must be included in a data set in order for the data to be considered aggregated and, therefore, not student personally identifiable data subject to requirements in this article and in other federal and state data privacy laws;

(G) A process for evaluating and updating as necessary the data security plan, at least on an annual basis, in order to identify and address any risks to the security of student personally identifiable data; and

(H) Guidance for local boards of education to implement effective security practices that are consistent with those of the state data system;

(5) Ensure routine and ongoing compliance by the department with the federal Family Educational Rights and Privacy Act, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this article, including the performance of compliance audits for the department;

(6) Notify the Governor and the General Assembly annually of the following matters relating to the state data system:

(A) New provisional student data proposed for inclusion in the state data system:

(i) Any new provisional student data collection proposed by the department shall become a provisional requirement to allow local boards of education and their local data system vendors the opportunity to meet the new requirement; and

(ii) The department shall announce any new provisional student data collection to the general public for a review and comment period of at least 60 days;

(B) Changes to existing student personally identifiable data collections required for any reason, including changes to federal reporting requirements made by the United States Department of Education;

(C) A list of any special approvals granted by the department pursuant to subparagraph (C) of paragraph (3) of this Code section in the past year regarding the release of student personally identifiable data; and

(D) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would itself pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

(7) Develop policies and procedures to ensure the provision of at least annual notifications to eligible students and parents or guardians regarding student privacy rights under federal and state law.

20-2-665.

(a) Unless required by state or federal law or in cases of health or safety emergencies, local boards of education shall not report to the department the following student data or student information:

(1) Juvenile delinquency records;

(2) Criminal records; or
(3) Medical and health records.
(b) Unless required by state or federal law or in cases of health or safety emergencies, schools shall not collect the following data on students or their families:
(1) Political affiliation;
(2) Voting history;
(3) Income, except as required by law or where a local board of education determines income information is required to apply for, administer, research, or evaluate programs to assist students from low-income families; or
(4) Religious affiliation or beliefs.

20-2-666.
(a) An operator shall not knowingly engage in any of the following activities with respect to such operator's site, service, or application without explicit written consent from the student's parent or guardian, or an eligible student:
(1) Use student data to engage in behaviorally targeted advertising on the operator's site, service, or application or target advertising on any other site, service, or application when the targeting of the advertising is based upon any student data and state-assigned student identifiers or other persistent unique identifiers that the operator has acquired because of the use of such operator's site, service, or application;
(2) Use information, including state-assigned student identifiers or other persistent unique identifiers, created or gathered by the operator's site, service, or application, to amass a profile about a student except in furtherance of K-12 school purposes. For purposes of this paragraph, 'amass a profile' does not include collection and retention of account records or information that remains under the control of the student, parent, or local board of education;
(3) Sell a student's data. This prohibition does not apply to the purchase, merger, or other type of acquisition of an operator by another entity, provided that the operator or successor entity continues to be subject to the provisions of this Code section with respect to previously acquired student data that is subject to this article; or
(4) Disclose student personally identifiable data without explicit written or electronic consent from a student over the age of 13 or a student's parent or guardian, given in response to clear and conspicuous notice of the activity, unless the disclosure is made:
(A) In furtherance of the K-12 school purposes of the site, service, or application; provided, however, that the recipient of the student data disclosed (i) shall not further disclose the student data unless done to allow or improve the operability and functionality within that student's classroom or school, and (ii) is legally required to comply with the requirements of this article and not use the student information in violation of this article;
(B) To ensure legal or regulatory compliance or protect against liability;
(C) To respond to or participate in judicial process;
(D) To protect the security or integrity of the entity's website, service, or application;

(E) To protect the safety of users or others or security of the site;

(F) To a service provider, provided that the operator contractually (i) prohibits the service provider from using any student data for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) requires such service provider to impose the same restrictions as in this paragraph on its own service providers, and (iii) requires the service provider to implement and maintain reasonable security procedures and practices as provided in subsection (b) of this Code section; or

(G) For an educational, public health, or employment purpose requested by the student's parent or guardian, provided that the information is not used or further disclosed for any purpose.

(b) An operator shall:

(1) Implement and maintain reasonable security procedures and practices appropriate to the nature of the student data to protect that information from unauthorized access, destruction, use, modification, or disclosure; and

(2) Delete a student's data within a reasonable timeframe not to exceed 45 days if the school or local board of education requests deletion of data under the control of the school or local board of education.

(c) Notwithstanding paragraph (4) of subsection (a) of this Code section, an operator may disclose student data, so long as paragraphs (1) to (3), inclusive, of subsection (a) of this Code section are not violated, under the following circumstances:

(1) If another provision of federal or state law requires the operator to disclose the student data, and the operator complies with applicable requirements of federal and state law in protecting and disclosing that information;

(2) For legitimate research purposes:

(A) As required by state or federal law and subject to the restrictions under applicable state and federal law; or

(B) As allowed by state or federal law and under the direction of a school, a local board of education, or the department, subject to compliance with subsection (a) of this Code section; or

(3) To a state agency, local board of education, or school, for K-12 school purposes, as permitted by state or federal law.

(d) Nothing in this Code section prohibits an operator from using student data, including student personally identifiable data, as follows:

(1) For maintaining, delivering, developing, supporting, evaluating, improving, or diagnosing the operator's site, service, or application;

(2) Within other sites, services, or applications owned by the operator, and intended for the school or student use, to evaluate and improve educational products or services intended for the school or student use;

(3) For adaptive learning or customized student learning purposes;

(4) For recommendation engines to recommend additional content or services to students within a school service's site, service, or application without the response

being determined in whole or in part by payment or other consideration from a third party;

(5) To respond to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party; or

(6) To ensure legal or regulatory compliance or to retain such data for these purposes.

(e) Nothing in this Code section prohibits an operator from using or sharing aggregate data or de-identified data as follows:

(1) For the development and improvement of the operator's site, service, or application or other educational sites, services, or applications; or

(2) To demonstrate the effectiveness of the operator's products or services, including their marketing.

(f) This Code section shall not be construed to limit the authority of a law enforcement agency to obtain any content or student data from an operator as authorized by law or pursuant to an order of a court of competent jurisdiction.

(g) This Code section does not apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications.

(h) This Code section shall not be construed to limit Internet service providers from providing Internet connectivity to schools or students and their families.

(i) This Code section shall not be construed to prohibit an operator from marketing educational products directly to parents so long as the marketing did not result from the use of student data obtained without parental consent by the operator through the provision of services covered under this Code section.

(j) This Code section shall not be construed to impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance of this Code section on those applications or software.

(k) This Code section shall not be construed to impose a duty upon a provider of an interactive computer service, as defined in Section 230 of Title 47 of the United States Code, to review or enforce compliance with this Code section by third-party content providers.

(l) This Code section shall not be construed to impede the ability of a student or parent or guardian to download, transfer, or otherwise save or maintain their own student data or documents.

(m) Nothing in this Code section or this article prevents the department or local board of education and their employees from recommending, directly or via a product or service, any educational materials, online content, services, or other products to any student or his or her family if the department or local board of education determines that such products will benefit the student and does not receive compensation for developing, enabling, or communicating such recommendations.

20-2-667.

(a) A parent shall have the right to inspect and review his or her child's education record maintained by the school or local board of education.

(b) A parent may request from the school or local board of education student data included in his or her child's education record, including student data maintained by an operator, except when the local board of education determines that the requested data maintained by the operator cannot reasonably be made available to the parent.

(c) Local boards of education shall provide a parent or guardian with an electronic copy of his or her child's education record upon request, unless the local board of education does not maintain a record in electronic format and reproducing the record in an electronic format would be unduly burdensome.

(d) A parent or eligible student shall have the right to request corrections to inaccurate education records maintained by a school or local board of education. After receiving a request demonstrating any such inaccuracy, the school or local board of education that maintains the data shall correct the inaccuracy and confirm such correction to the parent or eligible student within a reasonable amount of time.

(e) The rights contained in subsections (a) through (d) of this Code section shall extend also to eligible students seeking to access their own education records.

(f) The department shall develop model policies for local boards of education that:

(1) Support local boards of education in fulfilling their responsibility to annually notify parents of their right to request student information;

(2) Assist local boards of education with ensuring security when providing student data to parents;

(3) Provide guidance and best practices to local boards of education in order to ensure that local boards of education provide student data only to authorized individuals;

(4) Support local boards of education in their responsibility to produce education records and student data included in such education records to parents and eligible students, ideally within three business days of the request; and

(5) Assist schools and local boards of education with implementing technologies and programs that allow a parent to view online, download, and transmit data specific to his or her child's education record.

(g)(1) The department shall develop model policies and procedures for a parent or eligible student to file a complaint with a local school system regarding a possible violation of rights under this article or under other federal or state student data privacy and security laws which shall ensure that:

(A) Each local school system designates at least one individual with responsibility to address complaints filed by parents or eligible students;

(B) A written response is provided to the parent's or student's complaint;

(C) An appeal may be filed with the local school superintendent; and

(D) An appeal for a final decision may be made to the local board of education.

(2) Within six months of adoption by the department of model policies and procedures pursuant to paragraph (1) of this subsection, each local board of education

shall adopt policies and procedures that include, at a minimum, such department model policies and procedures.
(h) Nothing in this Code section shall authorize any additional cause of action beyond the process described in this Code section or as otherwise authorized by state law.

20-2-668.
(a) The State Board of Education may adopt rules and regulations necessary to implement the provisions of this article.
(b) As of July 1, 2016, any existing collection of student data by the department shall not be considered provisional student data. ~~Reserved.~~"

PART II
SECTION 2-1.

This Act shall be known and may be cited as the "Digital Classroom Act."

SECTION 2-2.
Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to textbooks for elementary and secondary education, is amended as follows:

"ARTICLE 19

20-2-1010.
(a) The State Board of Education is authorized to prescribe, by regulation, the definition of the term ~~'textbook'~~ 'instructional materials and content' to include but not be limited to systematically designed material in any medium, ~~whether print, nonprint, or digital~~ including digital instructional materials and content and any computer hardware, software, and technical equipment necessary to support such ~~material~~ instructional materials and content, that constitutes the principal source of study for a state funded course ~~and to prescribe the textbooks~~ to be used in the various grades in the public schools of this state, including the elementary grades and high school grades. The state board may provide, by regulation, for multiple listings of ~~textbooks~~ instructional materials and content for use in the various grades and may, in its discretion, authorize the local school superintendents to exercise a choice as between ~~textbooks~~ various instructional materials and content so listed or adopted for any particular grade.
(b) Nothing in this Code section shall be construed to exempt computer hardware or related equipment acquired by the state from competitive bidding.

20-2-1011.
The State Board of Education may provide for the selection, acquisition, or ~~and~~ purchase of ~~free textbooks~~ instructional materials and content either by multiple listings or uniform adoption or by any other method that will enable the acquiring of acceptable

~~books~~ instructional materials and content at the lowest possible costs, provided such adoption or multiple listings shall in no event constitute a binding contract until ratified in writing by the state board. None of the ~~books~~ instructional materials and content so purchased shall contain anything of a partisan or sectarian nature.

20-2-1012.
(a) The State Board of Education shall select a committee or committees of educators actually engaged in public school work in this state to examine ~~textbooks~~ instructional materials and content and make recommendations thereon to the state board. Such committee or committees shall consist of such number of educators as the state board may deem advisable, not exceeding five in each instance. They shall serve for such time and for such duties as the state board may prescribe and shall receive such compensation as may be fixed by the state board.
(b) In addition to any other method of ~~textbook~~ instructional materials and content selection, the State Board of Education shall add to the approved list of ~~textbooks~~ instructional materials and content for use in the public schools of this state any ~~textbook or series of textbooks~~ instructional materials and content requested in writing by:
(1) The superintendents of five or more different school systems; or
(2) Twenty or more teachers from at least 20 different school systems who teach and are certified to teach the courses encompassed by the ~~textbook~~ instructional materials and content requested,
if the requisite number of requests for the specified ~~textbook~~ instructional materials and content are received within any 365 day period. ~~A textbook~~ Instructional materials and content so required to be added to the approved list shall be added within 30 days following the receipt by the state board of the requisite number of requests. No designation shall be included upon the approved list which indicates the manner in which any ~~textbook was~~ instructional materials and content were added to the list. Other than the selection method, publishers whose ~~textbooks~~ instructional materials and content are added to the approved list as provided in this subsection shall be required to comply with the same rules regarding ~~textbooks~~ instructional materials and content as other publishers, including but not limited to price, durability, accessibility, and availability.

20-2-1013.
(a) The State Board of Education is authorized and directed to inaugurate and administer a system of free ~~textbooks~~ instructional materials and content for the public schools of this state. The state board shall have authority to promulgate and enforce such rules and regulations as may be necessary for that purpose.
(b) All ~~hardbound or softbound textbooks, library books, and media materials~~ instructional materials and content and any computer hardware, software, and technical equipment necessary to support such digital materials and content purchased by local units of administration with state Quality Basic Education Program funds or any other

means of acquisition ~~shall~~ may remain the property of the local unit purchasing or acquiring them. Assistive technology devices ~~and digital versions of textbooks~~ that are acquired may remain the property of the student; provided, however, that this shall not be construed to violate any contracts or copyright laws. Each local unit of administration shall establish such policies as it deems necessary for the care and protection of its ~~textbooks~~ instructional materials and content; computer hardware, software, and technical equipment necessary to support such materials and content;~~,~~ library books~~,~~; and media materials as a condition to receiving all or part of the state contributed Quality Basic Education Program funds allotted to the local unit. Such policies may include any of the following sanctions against a pupil who fails or refuses to pay for ~~a~~ any lost or damaged ~~textbook,~~ instructional materials and content; computer hardware, software, and technical equipment necessary to support such materials and content; library book~~,~~; or media material at the replacement cost:

(1) Refusal to issue or make available any additional ~~textbooks,~~ instructional materials and content, any computer hardware, software, and technical equipment necessary to support such materials and content, any library books, or any media materials until restitution is made; or

(2) Withholding of all grade cards, diplomas, or certificates of progress until restitution is made.

No local unit of administration shall require any pupil or parent to purchase any ~~textbook,~~ instructional materials and content; computer hardware, software, and technical equipment necessary to support such materials and content; library book~~,~~; or media material except in cases where the pupil damages, loses, or defaces such item either through willful intent or neglect.

20-2-1014.

All purchases or contracts for purchases shall be made subject to the condition that the price paid by the state shall not exceed the price which may be offered by the publisher to any other school or school authority for substantially the same ~~book~~ instructional materials and content.

20-2-1015.

~~The publisher of a textbook recommended by the State Board of Education shall provide an electronic format version of such textbook, which may include a digital version.~~

(a) Local boards of education are strongly encouraged on and after July 1, 2020 to:

(1) Purchase all instructional materials and content in digital or electronic format; and

(2) Provide a laptop, tablet, or other wireless electronic device to each of its students in grades three and higher or allow students to provide their own for use as the principal source of reading or accessing instructional materials and content,

(b) The State Board of Education shall annually determine a reasonable level of funding to assist local boards of education in attaining complete digital access pursuant

to this Code section. Such level of funding shall annually be presented to the General Assembly for its consideration in including appropriations for such purposes.

20-2-2016.
This article shall not apply to students in home study programs or virtual courses."

PART III
SECTION 3-1.

(a) Part I of this Act shall become effective on July 1, 2016; provided, however, that to the extent any provision of this Act conflicts with a term of a contract entered into by a state agency, local board of education, or operator in effect prior to July 1, 2016, such provision shall not apply to the state agency, local board of education, or the operator subject to such agreement until the expiration, amendment, or renewal of such agreement.
(b) Parts II and III 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	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
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	Parsons	Y Stover
Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites

Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Rice	Weldon
Y Carson	Y Frye	Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	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	E Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 0.

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

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

HB 48. By Representatives Coleman of the 97th, Rice of the 95th and Jones of the 53rd:

A BILL to be entitled an Act to amend Code Section 40-2-85.3 of the Official Code of Georgia Annotated, relating to special license plates honoring family members of service members killed in action, so as to extend eligibility to apply for such license plates to include a surviving spouse of a sibling of the service member; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to a*mend HB 48 (LC 39 0981S) by inserting after* "plate;" *on line 12* "to provide for a special and distinctive motor vehicle license plate for members of the Georgia State Defense Force;".

By inserting after line 106 the following:

SECTION 2.1.

Said article is further amended by revising Code Section 40-2-81, which was previously reserved, as follows:

"40-2-81.

(a) For purposes of this Code section, the term 'Georgia State Defense Force' means that organization established pursuant to Part 3 of Article 1 of Chapter 2 of Title 38.

(b)(1) Motor vehicle and trailer owners who are members of the Georgia State Defense Force shall be eligible to receive special and distinctive vehicle license plates for private passenger cars, trucks, motorcycles, or recreational vehicles used for personal transportation. Such license plates shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter.

(2)(A) Motor vehicle and trailer owners who are members of the Georgia State Defense Force shall be issued upon application for and upon compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles a Georgia State Defense Force member license plate. One such license plate shall be issued without the requisite registration fee, manufacturing fee, or annual registration fee.

(B) Each member of the Georgia State Defense Force shall be entitled to no more than one such free license plate at a time; provided, however, that upon payment of a manufacturing fee of $25.00, a member shall be entitled to one additional such license plate. For each additional license plate for which a $25.00 manufacturing fee is required, there shall be an additional annual registration fee of $25.00 which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34.

(c) The commissioner shall design a Georgia State Defense Force member license plate. The commissioner shall promulgate such rules and regulations as may be necessary to enforce compliance with all state license laws relating to the use and operation of private passenger cars, trucks, motorcycles, and trailers before issuing these license plates in lieu of the regular Georgia license plates. The manufacturing fee for such special and distinctive license plates shall be $25.00. The commissioner is specifically authorized to promulgate all rules and regulations necessary to ensure compliance in instances where such vehicles have been transferred or sold. Such plates shall be nontransferable.

(d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of this chapter for private passenger cars, trucks, motorcycles, and trailers used for personal transportation. Such plates shall contain such words or symbols, in addition to the numbers and letters prescribed by law, so as to identify distinctively the owners as members of the Georgia State Defense Force.

(e) The license plate issued pursuant to this Code section may be transferred between vehicles as provided in Code Section 40-2-80.

(f) Special license plates issued under this Code section, except as provided in subparagraph (b)(2)(A) of this Code section, shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 without payment of an additional $25.00 annual registration fee.

(g) Should a member of the Georgia State Defense Force who has been issued a license plate or license plates be discharged or otherwise separated from the Georgia State Defense Force, the member shall forward his or her Georgia State Defense Force member

license plate or plates to the commissioner along with a certificate to the effect that such person has been discharged or otherwise separated from the Georgia State Defense Force, and thereupon the commissioner shall issue a regular license plate, at no additional charge, to such former member of the Georgia State Defense Force to replace the Georgia State Defense Force member plate or plates~~Reserved~~."

Representative Coleman of the 97th moved that the House agree to the Senate amendment to HB 48.

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

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

On the motion, the ayes were 166, nays 0.

The motion prevailed.

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to repeal a population act provision; to revise provisions relating to flexibility for school systems; to provide that annual performance evaluations cannot be waived; to revise provisions relating to state required content standards; to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum in elementary and secondary education, so as to authorize local boards of education to require students to complete a course in America's founding philosophy and founding principles and related transformational movements; to provide for legislative findings; to provide for a short title; to provide for curriculum content and teacher training; to provide for applicability; to remove the middle grades program; to revise provisions relating to contracts by the State School Superintendent; to revise a process for student requests for waivers and variances of state requirements; to revise provisions relating to state required assessments; to revise provisions relating to the honors program; to revise a provision relating to a report on gender discrimination; to revise provisions relating to courses taken through the Georgia Virtual School; to revise provisions relating to virtual instruction opportunities provided by local school systems; to repeal an obsolete provision relating to acquiring digital learning; to revise a provision relating to home study reporting; to revise provisions relating to health insurance for public school teachers and employees; to revise provisions relating to nonrenewal of a teacher's contract; to establish Celebrate Freedom Week; to provide for the posting of historical documents; to strongly encourage the Department of Education to develop online resources and instructional support; to revise provisions relating to appeals to the State Board of Education; to repeal an Act to provide in all counties of 500,000 or more population according to the United States Census of 1960 or any future United States Census that the pension board of the board of education in such counties shall recompute the pension paid to those teachers and employees who had retired as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of service,

approved March 21, 1963 (Ga. L. 1963, p. 2469); to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by repealing subsection (d) of Code Section 20-2-51, relating to election of local board of education members, persons ineligible to be members or superintendent, ineligibility for local boards of education, and ineligibility for other elective offices, and designating said subsection as reserved.

SECTION 1A.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-80, relating to requests for increased flexibility, as follows:

"(b) A local school system may elect not to request increased flexibility in exchange for increased accountability and defined consequences and ~~opt~~ elect to remain under all current laws, rules, regulations, policies, and procedures, and such local school system, which shall be known as a Title 20/No Waivers system, shall:

(1) Conduct a public hearing for the purpose of providing public notice that such local school system is ~~opting for the status quo~~ electing to be a Title 20/No Waivers system and to remain subject to all state rules, regulations, policies, and procedures and the provisions of this title. The public hearing shall be advertised in a local newspaper of general circulation which shall be the same newspaper in which other legal announcements of the local board of education are advertised; and

(2) Sign a statement on a form provided by the state board that such local school system is ~~opting for the status quo~~ electing to be a Title 20/No Waivers system."

SECTION 1B.

Said chapter is further amended in Code Section 20-2-81, relating to strategic plan and proposed contract for local school systems requesting flexibility, by adding a new subsection to read as follows:

"(f) A local school system which elects to request increased flexibility pursuant to this article shall be known as a strategic waivers school system."

SECTION 2.

Said chapter is further amended by revising subsection (e) of Code Section 20-2-82, relating to contract terms for local school systems requesting flexibility, as follows:

"(e) The state board shall be authorized to approve a waiver or variance request of specifically identified state rules, regulations, policies, and procedures or provisions of this chapter upon the inclusion of such request in the local school system's proposed contract and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver and variance shall be improvement of student performance. The state

board shall not be authorized to waive or approve variances on any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A local school system that has received a waiver or variance shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

SECTION 2A.

Said chapter is further amended by revising Code Section 20-2-84.3, relating to a limit on the number of local school systems entering into a flexibility contract, as follows:

"20-2-84.3.

~~(a) No more than five local school systems in the first calendar year may enter into a contract with the State Board of Education pursuant to this article.~~

~~(b)~~ No later than June 30, 2015, each local school system shall either notify the department of its intention to ~~request increased flexibility~~ become a strategic waivers school system pursuant to this article or shall comply with subsection (b) of Code Section 20-2-80, electing to be a Title 20/No Waivers system."

SECTION 3.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-131, relating to objectives and purposes of the Quality Basic Education Program, as follows:

"(1) Implementing a ~~quality basic education~~ highly rigorous curriculum to encompass content standards in public schools state wide which ensures that each student is provided ample opportunity to develop competencies necessary for lifelong learning as well as the competencies needed to maintain good physical and mental health, to participate actively in the governing process and community activities, to protect the environment and conserve public and private resources, and to be an effective worker and responsible citizen of high character;"

SECTION 4.

Said chapter is further amended by revising Code Section 20-2-140, relating to the State Board of Education establishing competencies and a uniformly sequenced core curriculum and college and career readiness competency standards, as follows:

"20-2-140.

(a) The State Board of Education shall establish ~~competencies~~ uniformly sequenced content standards that each student is expected to master prior to completion of the student's public school education. ~~The state board shall also establish competencies for~~

~~which each student should be provided opportunities, at the discretion of the student and the student's parents, to master. Based upon these foregoing competencies, the~~ The state board shall adopt ~~a uniformly sequenced core curriculum~~ content standards for ~~grades~~ students in kindergarten through grade 12. Each local unit of administration ~~shall include this uniformly sequenced core curriculum as the basis for its own curriculum, although each local unit may sequence, expand, and enrich this curriculum~~ may expand and enrich the content standards to the extent it deems necessary and appropriate for its students and communities. Each local school system shall adopt its own curriculum which shall include appropriate instruction in the content standards.

(b) The State Board of Education, working with the Board of Regents of the University System of Georgia and the State Board of the Technical College System of Georgia, shall establish college and career readiness ~~competency~~ standards to demonstrate competency in reading, writing, and mathematics aligned with the ~~core curriculum~~ content standards adopted by the state board pursuant to subsection (a) of this Code section with the level of performance necessary to meet college-readiness standards in the state's technical colleges, community colleges, state colleges, and universities and in other advanced training programs.

(c) The State Board of the Technical College System of Georgia shall require its institutions to accept core ~~curriculum~~ coursework completed by high school students for purposes of admission into its institutions. ~~This Code section shall apply beginning with students entering such postsecondary institutions in the fall of 2013.~~"

SECTION 5.

Said chapter is further amended by revising Code Section 20-2-140.1, relating to online learning, as follows:

"20-2-140.1.

The State Board of Education shall establish rules and regulations to maximize the number of students, beginning with students entering ninth grade in the 2014-2015 school year, who complete prior to graduation at least one course containing online learning. This shall be met through an online course offered by the Georgia Virtual School established pursuant to Code Section 20-2-319.1, through the clearing-house established pursuant to Code Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary institution, or through a provider ~~approved~~ pursuant to ~~subsection (c) of~~ Code Section 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction program pursuant to Code Section 20-2-319.4."

SECTION 6.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-142, relating to prescribed courses, as follows:

"(a)(1) All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner and at the grade level prescribed by the State Board of Education ~~in its quality core curriculum~~:

(A) A course of study in the background, history, and development of the federal and state governments and a study of Georgia county and municipal governments; and

(B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals which shall include a study of the Pledge of Allegiance to the flag of the United States and the Georgia flag in addition to other institutions and ideals.

(2) No student shall be eligible to receive a diploma from a high school unless such student has successfully completed the courses in history and government provided for by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For students moving to Georgia and unable to take the course or courses available to fulfill these requirements in the grade level in which such course or courses are ordinarily offered, the State Board of Education may develop alternative methods, which may include but shall not be limited to an on-line course of study, for such students to learn about and demonstrate an adequate understanding of federal or Georgia history and government.

(3) Disabled students who are otherwise eligible for a special education diploma pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if they have not successfully completed either or both of these courses; provided, however, that their Individualized Education Programs have not specified that the disabled students must enroll in and successfully complete both of these courses.

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year in which such course or courses are ordinarily offered. The State Board of Education is authorized to provide for exemptions to the required course of study for such students and for students whose parent or parents serve in the armed forces of the United States."

SECTION 6A.

Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum in elementary and secondary education, is amended by adding a new Code section to read as follows:

"20-2-142.1.

(a) The General Assembly finds that the survival of the Republic requires that the nation's children, who are the future guardians of its heritage and participants in its governance, have a clear understanding of the founding philosophy and the founding principles of our government, which are found in the Declaration of Independence, the United States Constitution, the Federalist Papers, and the writings of the founders, and an understanding of the preservation of such founding philosophy, principles, and documents.

(b) This Code section shall be known and may be cited as the 'America's Founding Philosophy and Principles Act.'

(c) Each local board of education may require all students, as a condition of graduation, during their ninth through twelfth grade years to complete and pass a separate semester course covering the following founding philosophy and principles of the United States of America:

(1) America's founding philosophy, to include at least the following:

(A) As articulated in the Declaration of Independence the foundational idea of the Creator-endowed unalienable rights of the people;

(B) The purpose of limited government, which is to protect the unalienable rights of the people and to protect the people from violence and fraud;

(C) The structure of government, separation of powers, and checks and balances; and

(D) The rule of law, with frequent and free elections in a representative government which governs by majority vote within a constitutional framework;

(2) America's founding principles, to include at least the following:

(A) Federalism-government as close to the people as possible, limited federal government, and strong state and local government;

(B) Freedoms of speech, press, religion, and peaceful assembly guaranteed by the Bill of Rights;

(C) Rights to private property and freedom of individual enterprise;

(D) The innocence of any crime until proven guilty, with right of habeas corpus, and no unreasonable searches, seizures, or cruel and unusual punishment;

(E) A virtuous and moral people educated in the philosophy and principles of government for a free people;

(F) The right to a speedy trial by a jury of peers;

(G) The principles of economy in spending, constitutional limitations on government power to tax and spend, and prompt payment of public debt;

(H) Economic system of money with intrinsic value;

(I) Equality before the law and due process of law with grand jury indictment for capital crimes before holding a person to account;

(J) The right of people to keep and bear arms, strong defense capability, supremacy of civil authority over military;

(K) Peace, commerce, and honest friendship with all nations, entangling alliances with none;

(L) All laws concise and understandable by the people and not ex post facto laws;

(M) Eternal vigilance by 'We the People'; and

(N) Founding documents including Declaration of Independence, the United States Constitution, and the Federalist Papers; and

(3) Transformational movements in American history, to include at least the following:

(A) The antislavery movement;

(B) The Civil Rights movement;

(C) Women's suffrage;
(D) The contributions of immigrants to American society; and
(E) The history of the Native American population.

(d) The Department of Education and local boards of education, as appropriate, may provide, or cause to be provided, curriculum content which reflects the content standards addressed pursuant to subsection (c) of this Code section and teacher training to ensure that the intent and provisions of this Code section are implemented.

(e) This Code section shall apply beginning in school year 2017-2018."

SECTION 7.

Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection (b) of Code Section 20-2-151, relating to general and career education programs, as follows:

"(a) The primary purpose for the general and career education programs is to provide the children and youth of Georgia with a quality opportunity to master ~~student competencies~~ uniformly sequenced content standards adopted by the State Board of Education ~~through instruction which is based upon the uniformly sequenced core curriculum~~."

"(2) It is the policy of this state that the purpose of the primary grades program shall be mastery by enrolled students of the essential basic skills and knowledge which will enable them to achieve more advanced skills and knowledge offered at the higher grade levels. For purposes of funding under this article, the primary grades program shall include grades one, two, and three. To be eligible for enrollment in the first grade of a state supported primary grades program, a child must attain the age of six by September 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State Board of Education shall adopt an instrument or instruments, procedures, and policies necessary to assess the first grade readiness of children enrolled in Georgia's public school kindergarten programs pursuant to Code Section 20-2-281. Readiness information obtained by the instrument or instruments adopted by the state board shall be used by local school systems in concert with teacher recommendations and other relevant information to make appropriate student grade placement decisions. The Department of Education shall develop guidelines for utilization of the instrument or instruments in grade placement decisions and shall provide such guidelines to local school systems. The guidelines shall include information pertinent to consideration of the placement of students who have been identified as being disabled or limited-English-proficient. Whenever the decision is made not to promote a child to the first grade, the local school system shall document the reasons for the decision not to promote, according to guidelines established by the board. The State School Superintendent ~~shall~~ may annually provide a report summarizing the results of the readiness of first grade Georgia public school kindergarten children. No student shall remain in kindergarten for more than two years;"

SECTION 8.

Said chapter is further amended by revising subsections (a) and (h) of Code Section 20-2-154.1, relating to alternative education programs, as follows:

"(a) It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the ~~quality core curriculum~~ content standards and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. Course credit shall be earned in an alternative education program in the same manner as in other education programs. It is the policy of this state that it is preferable to reassign disruptive students to an alternative education program rather than suspending or expelling such students from school."

"(h) ~~For the 2000-2001 and 2001-2002 school years, state funding of alternative education programs shall be based upon a full-time equivalent program count that equals 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). For the 2002-2003 school year and thereafter, the~~ The amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle grades program, the~~ middle school program ~~as defined in Code Section 20-2-290~~, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12."

SECTION 9.

Said chapter is further amended by revising Code Section 20-2-159.1, relating to focused programs of study, as follows:

"20-2-159.1.

No later than July 1, 2013, the Department of Education shall develop, and the State Board of Education shall approve, state models and ~~curriculum framework~~ content standards for the following focused programs of study, as defined in Code Section 20-2-326, including, but not limited to:

(1) Agriculture, food, and natural resources;
(2) Architecture and construction;
(3) Arts, audio-video technology, and communications;
(4) Business, management, and administration;
(5) Education and training;
(6) Finance;
(7) Health science;
(8) Hospitality and tourism;

(9) Human services;
(10) Information technology;
(11) Law, public safety, and security;
(12) Manufacturing;
(13) Government and public administration;
(14) Marketing, sales, and service;
(15) Science, technology, engineering, and mathematics; and
(16) Transportation, distribution, and logistics.

Such focused programs of study may be combined around these and other related clusters."

SECTION 10.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-159.2, relating to coordination between high schools and postsecondary institutions to minimize the need for remedial course work for students in postsecondary institutions, as follows:

"(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master the content standards established pursuant to Code Section 20-2-140 will meet the requirements for purposes of admission into a postsecondary institution, such as grade point average and readiness levels in reading, writing, and mathematics, without having to take remedial coursework. Such policies shall:

(A) Establish the benchmarks for college readiness and the method in which students can demonstrate readiness in reading, writing, and mathematics for postsecondary coursework upon completing the ~~core curriculum~~ content standards; and

(B) Set the conditions for ensuring college readiness;"

SECTION 11.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-159.3, relating to academic core standards to be embedded in career, technical, and agricultural education courses, as follows:

"(a) The ~~competencies and curricula~~ content standards established for career, technical, and agricultural education courses pursuant to Code Section 20-2-140 shall include embedded standards in academic core subject areas, as appropriate. In establishing such ~~competencies and curricula~~ content standards, the state board shall work to ensure that the coursework meets postsecondary requirements for acceptance of credit for such coursework at the postsecondary level. Such courses shall be taught by a highly qualified teacher in the academic content and trained or experienced in contextualized learning using project based methods; by a highly qualified career, technical, and agricultural education teacher who has completed a state-approved training program to strengthen academic content and has passed a state-approved exam for demonstrating mastery of academic content; or by a team made up of a highly qualified teacher in the academic content and a highly qualified career, technical, and agricultural education teacher working together to teach the course."

SECTION 12.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-160, relating to determination of enrollment by institutional programs, as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career, technical, and agricultural education laboratory program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more ~~student competencies~~ content standards as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 13.

Said chapter is further amended by revising subsections (b) and (b.1) of Code Section 20-2-161, relating to the Quality Basic Education Formula, as follows:

"(b) As the cost of instructional programs varies depending upon the teacher-student ratios and specific services typically required to address the special needs of students enrolled, state authorized instructional programs shall have the following program weights and teacher-student ratios:

(1) Kindergarten program ..... 1.6508 weight and 1 to 15 ratio

(2) Kindergarten early intervention program ..... 2.0348 weight and 1 to 11 ratio

(3) Primary grades program (1-3) ..... 1.2849 weight and 1 to 17 ratio

(4) Primary grades early intervention program (1-3) ..... 1.7931 weight and 1 to 11 ratio

(5) Upper elementary grades program (4-5) ..... 1.0355 weight and 1 to 23 ratio

(6) Upper elementary grades early intervention program (4-5) ..... 1.7867 weight and 1 to 11 ratio

~~(7) Middle grades program (6-8) ..... 1.0186 weight and~~

~~1 to 23~~
~~ratio~~

~~(8)~~(7) Middle school program (6-8) ~~as defined in Code Section 20-2-290~~ ... 1.1310
weight and
1 to 20
ratio

~~(9)~~(8) High school general education program (9-12) 1.0000
weight and
1 to 23
ratio

~~(10)~~(9) Career, technical, and agricultural education 1.1916
laboratory program (9-12).....weight and
1 to 20
ratio

~~(11)~~(10) Program for persons with disabilities:
Category I..... 2.3798
weight and
1 to 8
ratio

(12)(11) Program for persons with disabilities:
Category II 2.7883
weight and
1 to 6.5
ratio

~~(13)~~(12) Program for persons with disabilities:
Category III 3.5493
weight and
1 to 5
ratio

~~(14)~~(13) Program for persons with disabilities:
Category IV 5.7509
weight and

1 to 3
ratio

~~(15)~~(14) Program for persons with disabilities:
Category V 2.4511
weight and
1 to 8
ratio

~~(16)~~(15) Program for intellectually gifted students:
Category VI..... 1.6589
weight and
1 to 12
ratio

~~(17)~~(16) Remedial education program 1.3087
weight and
1 to 15
ratio

~~(18)~~(17) Alternative education program 1.4711
weight and
1 to 15
ratio

~~(19)~~(18) English for speakers of other languages (ESOL) program 2.5049
weight and
1 to 7
ratio

~~(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school shall have the funding weight included in paragraph (8) of subsection (b) of this Code section for the middle school program, regardless of whether such middle school meets the requirements of Code Section 20-2-290.~~"

SECTION 14.

Said chapter is further amended by revising Code Section 20-2-181, relating to calculation of program weights to reflect base size school, as follows:

"20-2-181.

The calculation of all program weights shall reflect a base size local school system of 3,300 full-time equivalent students. The calculation of program weights for the kindergarten program, the kindergarten early intervention program, the primary grades (1-3) early intervention program, the primary grades (1-3) program, the upper elementary grades (4-5) early intervention program, and the upper elementary grades (4-5) program shall reflect a base school size of 450 full-time equivalent students. The calculation of program weights for the ~~middle grades (6-8) program, the~~ middle school (6-8) program, the special education programs, the remedial education program, and the English for speakers of other languages program shall reflect a base school size of 624 full-time equivalent students. The calculation of ~~the~~ program weights for the high school general education program and the high school career, technical, and agricultural education laboratory program shall reflect a base school size of 970 full-time equivalent students. The calculation of program weights for the alternative education program shall reflect a base school size of 100 full-time equivalent students, except that the calculations for secretaries and media personnel shall reflect a base school size of 624 full-time equivalent students."

SECTION 15.

Said chapter is further amended by revising subsections (b) and (c) and paragraph (1) of subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for payment of salaries and benefits, as follows:

"(b) The program weights for the primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ and middle school programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least the beginning salaries of specialists qualified to teach art, music, foreign language, and physical education, subject to appropriation by the General Assembly.

(c) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ middle school, and alternative education programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for at least one school counselor for every 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program weights for the English for speakers of other languages program and the programs for persons with disabilities shall also earn school counselor funding. Further, beginning in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually gifted students and the remedial education program shall also earn school counselor funding. The duties and responsibilities for such school counselors shall be established by the state board to require a minimum of five of the six full-time equivalent program count segments of the counselor's time to be spent counseling or advising students or parents."

"(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and guardians as to the maximum number of students that may be in their child's classroom in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

(A) Kindergarten program (without full-time aide) 18

(B) Kindergarten program (with full-time aide) 20

(C) Primary grades program (1-3) 21

(D) Upper elementary grades program (4-5) 28

(E) Middle ~~grades program (6-8) and middle~~ school program (6-8) ~~as defined in Code Section 20-2-290~~ 28

For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only, the system average maximum class size for each instructional program covered under this paragraph shall be the same as the maximum individual class size for each such program, and local boards of education shall be considered in compliance with this paragraph so long as the system average maximum class size is not exceeded; provided, however, that if the State Board of Education approves a blanket waiver or variance pursuant to subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be the system average maximum class sizes for purposes of this paragraph."

SECTION 16.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-184.1, relating to funding for additional days of instruction, as follows:

"(a) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ middle school, and remedial programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for instructors needed to provide 20 additional days of instruction for 10 percent of the full-time equivalent count of the respective program. Such funds shall be used for addressing the academic needs of low-performing students with programs including, but not limited to, instructional opportunities for students beyond the regular school day, Saturday classes, intersession classes, summer school classes, and additional instructional programs during the regular school day. Following the midterm adjustment, the state board shall issue allotment sheets for each local school system. Each local school system shall spend 100 percent of the funds designated for additional days of instruction for such costs at the system level, which may include transportation costs incurred for transporting students who are attending additional classes funded by these designated funds."

SECTION 17.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-190, relating to professional development centered on state-wide strategic initiatives, as follows:

"(a) Subject to appropriations by the General Assembly, the State Board of Education shall provide professional development centered on state-wide strategic initiatives. Such strategic initiatives may include, but are not limited to, training on ~~the new common core curriculum~~ content standards, support for under-performing educators, and mentoring programs in specific subject areas."

SECTION 18.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-200, relating to regulation of certificated professional personnel by the Professional Standards Commission, as follows:

"(a) The Professional Standards Commission shall provide, by regulation, for certifying and classifying all certificated professional personnel employed in the public schools of this state, including personnel who provide virtual instruction to public schools of this state, whether such personnel are located within or outside of this state or whether such personnel are employed by a local unit of administration. No such personnel shall be employed in the public schools of this state unless they hold certificates issued by the commission certifying their qualifications and classification in accordance with such regulations. The commission shall establish such number of classifications of other certificated professional personnel as it may find reasonably necessary or desirable for the operation of the public schools; provided, however, that such classifications shall be based only upon academic, technical, and professional training, experience, and competency of such personnel. The commission is authorized to provide for denying a certificate to an applicant, suspending or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause after an investigation is held and notice and an opportunity for a hearing are provided the certificate holder or applicant in accordance with subsection (d) of Code Section 20-2-984.5. The commission shall designate and define the various classifications of professional personnel employed in the public schools of this state that shall be required to be certificated under this Code section or under Code Section 20-2-206. Without limiting the generality of the foregoing, the term 'certificated professional personnel' is defined as all professional personnel certificated by the commission and county or regional librarians."

SECTION 19.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-241, relating to the State School Superintendent, as follows:

"(c) The State School Superintendent shall have the authority to enter into contracts for the amount of $50,000.00 or less on behalf of the Department of Education. The State

School Superintendent may delegate to the chief financial officer the authority to execute such contracts on behalf of the State School Superintendent."

SECTION 20.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-242, relating to local school systems, local units of administration, and local governing bodies, as follows:

"(1) The instructional programs authorized pursuant to Part 3 of this article and the uniformly sequenced ~~core curriculum~~ content standards authorized pursuant to Part 2 of this article are fully and effectively implemented;"

SECTION 21.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-244, relating to waivers to improve student performance, as follows:

"(b) The State Board of Education is not authorized to waive any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A school or school system that has received a waiver shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

SECTION 22.

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

"20-2-244.1.

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

(1) 'Student' means a student who is or was enrolled in a public school in this state.

(2) 'Substantial hardship' means a significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the student requesting a variance or waiver.

(3) 'Variance' means a modification granted by the State Board of Education to all or part of the literal requirements of a rule to a person who is subject to the rule.

(4) 'Waiver' means a decision by the State Board of Education not to apply all or part of a rule to a person who is subject to the rule.

(b) Except as provided in subsection (f) of this Code section, the State Board of Education is authorized to grant a variance or waiver to a rule when a student subject to that rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the

person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

(c) Except as provided in subsection (f) of this Code section, a student who is subject to regulation by a State Board of Education rule may file a petition with the state board requesting a variance or waiver from the state board's rule. In addition to any other requirements which may be imposed by the state board, each petition shall specify:

(1) The rule from which a variance or waiver is requested;

(2) The type of action requested;

(3) The specific facts of substantial hardship which would justify a variance or waiver for the petitioner, including the alternative standards which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and

(4) The reason why the variance or waiver requested would serve the purpose of the underlying statute.

(d) The state board shall grant or deny a petition for variance or waiver in writing no later than 60 days after the receipt of the petition. The state board's decision to grant or deny the petition shall be in writing and shall contain a statement of the relevant facts and the reasons supporting the state board's action.

(e) The state board's decision to deny a petition for variance or waiver shall be subject to judicial review in accordance with Code Section 50-13-19. The validity of any variance or waiver which is granted by the state board may be determined in an action for declaratory judgment in accordance with Code Section 50-13-10.

(f) This Code section shall not apply, and no variance or waiver shall be sought or authorized, when a state board rule or regulation has been adopted or promulgated in order to implement or promote a federally delegated program.

(g) An aggregated report of all waivers granted pursuant to this Code section shall be prepared and shall contain a description of the waiver granted, including a detail of the variance from any rule or regulation, but shall not include any identifying information of the student.

(h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with respect to petitions for variances or waivers of rules by students."

SECTION 23.

Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section 20-2-270.1, relating to services to member local school systems by regional educational service agencies, as follows:

"(3) Developing and implementing curricula and instruction of the highest quality possible, including implementing the uniformly sequenced ~~core curriculum~~ content standards adopted by the state board;"

SECTION 24.

Said chapter is further amended by revising Code Section 20-2-281, relating to assessment of effectiveness of educational programs, as follows:

"20-2-281.

(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such ~~assessments~~ instruments. Each local school system is strongly encouraged to implement a program of formative assessment and intervention in reading for kindergarten through third grade and mathematics for kindergarten through fifth grade to ensure that students are on track to meet grade-level expectations. The State Board of Education shall review, revise, and upgrade the ~~quality core curriculum~~ content standards. Following the adoption of ~~this revised curriculum~~ such content standards, the State Board of Education shall contract for development of ~~criterion-referenced competency tests~~ end-of-grade assessments to measure the ~~quality core curriculum~~ content standards. Such tests in English, ~~and~~ language arts/reading, and~~,~~ mathematics~~, and reading~~ shall be administered annually to students in grades ~~one~~ three through eight, and such tests in science and social studies shall be administered annually to students in grades three through eight. These tests shall contain features that allow for comparability to other states with whom establishing such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. ~~A curriculum based assessment shall be administered in grade 11 for graduation purposes.~~ Writing ~~assessments~~ performance shall be ~~administered to~~ assessed, at a minimum, for students in grades three, five, eight, and 11 and may be assessed for students in additional grade levels as designated by the State Board of Education. ~~The writing assessments~~ Writing performance results shall ~~provide~~ be provided to students and their parents ~~with performance outcome measures resulting from the administration of such tests~~.

(b) The nationally ~~normed assessments~~ norm-referenced instruments provided for in subsection (a) of this Code section shall provide students and their parents with grade equivalencies and percentile ranks which result from the administration of such ~~tests~~ instruments. ~~Criterion-referenced tests and the high school graduation test~~ End-of-grade assessments provided for in subsection (a) of this Code section shall provide for results that reflect student achievement at the individual student, classroom, school, system, ~~and~~ state, and national levels. The State Board of Education shall participate in the National Assessment of Educational Progress (NAEP) and may participate in any other tests that will allow benchmarking this state's performance against national or international performance. The results of such testing shall be provided to the Governor, the General Assembly, and the State Board of Education and shall be

reported to the citizens of Georgia. Further, the state board shall adopt a school readiness assessment for students entering first grade and shall administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary supplements as part of a pay for performance or related plan under this article may be assessments of student achievement.

(b.1) The State Board of Education shall notify local school systems and individual schools of the results of the assessment instruments administered under this Code section at the earliest possible date determined by the state board, but not later than the beginning of the subsequent school year. In the event the state board is unable to provide timely results in the first year of implementation of a substantially new assessment instrument, the provisions in paragraphs (2) and (3) of subsection (b) of Code Section 20-2-283 shall not apply.

(c) The State Board of Education shall have the authority to condition the awarding of a high school diploma to a student upon achievement of satisfactory scores on instruments ~~or tests~~ adopted and administered by the state board pursuant to subsection (a) of this Code section and the end-of-course assessments adopted and administered by the state board pursuant to subsections (f) and (h) of this Code section. The state board is authorized and directed to adopt regulations providing that any disabled child, as defined by the provisions of this article, shall be afforded opportunities to take any test adopted by the state board as a condition for the awarding of a high school diploma. ~~Said~~ Such regulations shall further provide for appropriate accommodations in the administration of such test. ~~Said~~ Such regulations shall further provide for the awarding of a special education diploma to any disabled student who is lawfully assigned to a special education program and who does not achieve a passing score on ~~said~~ such test or who has not completed all of the requirements for a high school diploma but who has nevertheless completed his or her Individualized Education Program.

(d)(1) The State Board of Education shall develop or adopt alternate assessments to be administered to ~~each student receiving special education services pursuant to Code Section 20-2-152 who does not receive instruction in the essential knowledge and skills identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~ those students with significant cognitive disabilities, receiving special education services pursuant to Code Section 20-2-152, who cannot access the state adopted content standards without appropriate accommodations to those standards and for whom the assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code section, even with allowable ~~modifications~~ accommodations, would not provide an appropriate measure of student achievement, as determined by the student's Individualized Education Program team. ~~A student's Individualized Education Program may serve as an alternate assessment for that student.~~

(2) A student's Individualized Education Program team shall determine appropriate participation in assessment and identify necessary accommodations in accordance

with the federal Individuals with Disabilities Education Act and state board regulations.

(e) The State Board of Education is authorized to adopt rules, regulations, policies, and procedures regarding accommodations and the participation of limited-English-proficient students, as defined in Code Section 20-2-156, in the assessments described in this Code section.

(f) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, the student's Individualized Education Program team shall determine appropriate participation in assessments and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(g) Under rules adopted by the State Board of Education, the Department of Education shall, subject to appropriations by the General Assembly, release some or all of the questions and answers to each ~~criterion-referenced competency test~~ end-of-grade assessment administered under subsection (a) of this Code section and each end-of-course assessment administered under subsection ~~(e)~~ (h) of this Code section after the last time ~~the instrument~~ such assessment is administered for a school year.

(h) The State Board of Education, through the Department of Education, shall administer the end-of-course assessments for core subject areas as defined by state board policy. ~~The state board shall promulgate a schedule for the development and administration of all end-of-course tests.~~ By the 2015-2016 school year, the State Board of Education shall make all end-of-course assessments available online and shall establish rules and regulations to maximize the number of students and school systems utilizing such online assessments.

(i) The Department of Education shall develop study guides for the ~~criterion-referenced tests~~ end-of-grade assessments and end-of-course assessments administered pursuant to subsections (a) and ~~(f)~~ (h) of this Code section. Each school system shall distribute the study guides to students who do not perform satisfactorily on one or more parts of an assessment instrument administered under this Code section and to the parents or guardians of such students.

(j)~~(1) The high school graduation test provided for in subsection (a) of this Code section shall continue in effect until all high school core subject end-of-course assessments have been developed and implemented, at which time the state board shall discontinue the test according to a schedule to be determined by the state board.~~

~~(2)~~ The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given.

(k)~~(1)~~ In addition to the assessment instruments adopted by the State Board of Education and administered by the Department of Education, a local school system may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Such locally adopted assessment instruments

may not replace the state's adopted assessment instruments for purposes of state accountability programs~~, except as otherwise provided in paragraph (2) of this subsection~~. A local school system shall be responsible for all costs and expenses incurred for locally adopted assessment instruments. Students with Individualized Education Programs must be included in the locally adopted assessments or provided an alternate assessment in accordance with the federal Individuals with Disabilities Education Act.

~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal Year 2003 to local boards of education exempting said boards from the administration of the state criterion-referenced competency tests at any or all of the subject areas and grade levels for which the local board of education implements a locally developed criterion-referenced competency test or tests based on the Quality Core Curriculum which increases the expectations for student achievement beyond that of the applicable state criterion-referenced competency test or tests and meets all other requirements of this Code section, including reliability and validity requirements, with the exception of subsection (g) of this Code section. Local boards of education with such waivers shall submit to the State Board of Education school and local school system score reports of the locally developed criterion-referenced competency tests.~~

(l) In adopting academic skills assessment instruments under this Code section, the State Board of Education or local school system shall ensure the security of the instruments in their preparation, administration, and scoring. Notwithstanding any other provision of law, meetings or portions of meetings held by the state board or a local board of education at which individual assessment instruments or assessment instrument items are discussed or adopted shall not be open to the public, and the assessment instruments or assessment instrument items shall be confidential.

(m) The results of individual student performance on academic skills assessment instruments administered under this Code section shall be confidential and may be released only in accordance with the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

(n) Overall student performance data shall be disaggregated by ethnicity, sex, socioeconomic status, disability, language proficiency, grade level, subject area, school, system, and other categories determined by policies established by the Office of Student Achievement.

(o) Student performance data shall be made available to the public, with appropriate interpretations, by the State Board of Education, the Office of Student Achievement, and local school system. The information made available to the public shall not contain the names of individual students or teachers.

(p) Teachers in ~~grades one~~ kindergarten through grade 12 shall be offered the opportunity to participate annually in a staff development program on the use of tests within the instructional program designed to improve students' academic achievement. This program shall instruct teachers on curriculum alignment related to tests, disaggregated student test data to identify student academic weaknesses by subtests, and other appropriate applications as determined by the State Board of Education.

(q) The State Board of Education shall consider the passage by a student of an industry certification examination or a state licensure examination which is approved by the State Board of Education or a COMPASS score approved by the State Board of Education when considering whether to grant such student a variance ~~for~~ or a waiver of one or more portions of the high school graduation test required by the State Board of Education pursuant to subsection (a) of this Code section in order to obtain a Georgia high school diploma; provided, however, that the state board shall not grant a variance to a student unless the student has attempted and failed to pass the relevant portion of the high school graduation test at least four times."

SECTION 25.

Said chapter is further amended by revising Code Section 20-2-290, relating to organization of schools, middle school programs, and schedule, as follows:

"20-2-290.

(a)~~(1)~~ The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof, shall qualify for the middle school program for students; provided, however, that such schools also meet all other provisions of this Code section and criteria and standards prescribed by the State Board of Education. Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.~~

~~(2)~~(b) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree or satisfactory business experience. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals.

~~(b) Local boards of education shall schedule each middle school so as to provide the following:~~

~~(1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe;~~

~~(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and~~

~~(3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.~~

~~(c) Local school systems shall comply with subsection (b) of this Code section in order to qualify for the middle school program.~~

~~(d) If a local school system has a combination of qualified and nonqualified schools, it shall qualify for the middle school program only for those students counted in the full-time equivalent count for the middle school program in qualified middle schools.~~"

SECTION 26.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-306, relating to honors program and residential high school program, as follows:

"(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to ~~inaugurate~~ continue and administer an honors program for students in the public and private high schools of this state and for resident students who attend a home ~~school~~ study program who have manifested exceptional abilities or unique potentials or who have made exceptional academic achievements. This program shall be conducted during summer months between normal school year terms at institutions of higher learning or other appropriate centers within this state with facilities adequate to provide challenging opportunities for advanced study and accomplishments by such students. The student honors program shall be implemented and operated in accordance with criteria established by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the ~~state board~~ Office of Student Achievement from funds made available for this purpose by the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to enter into cooperative agreements with the Board of Regents of the University System of Georgia for operating and sharing the costs of such programs."

SECTION 27.

Said chapter is further amended by revising Code Section 20-2-314, relating to development of rape prevention, personal safety education, and teen dating violence prevention program, as follows:

"20-2-314.

The State Board of Education shall develop, with input from appropriate experts, such as rape crisis centers and family violence shelters, a rape prevention and personal safety

education program and a program for preventing teen dating violence for grade eight through grade 12 which are consistent with the ~~core curriculum~~ content standards provided for in Code Section 20-2-140. Local boards may implement such programs at any time and for any grade level local boards find appropriate, and the state board shall encourage the implementation of such programs. In addition, the state board shall make information regarding such programs available to the Board of Regents of the University System of Georgia."

SECTION 28.

Said chapter is further amended by revising subsection (j) of Code Section 20-2-315, relating to the prohibition of gender discrimination, as follows:

"(j) The Department of Education ~~shall~~ may publish an annual report of local school systems to include information regarding expenditures and participation rates for each gender and such other information as the state board and department deem relevant."

SECTION 29.

Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia Virtual School, as follows:

"20-2-319.1.

(a) The State Board of Education is authorized to establish the Georgia Virtual School whereby students may enroll in ~~state funded~~ courses via the Internet or in any other manner not involving on-site interaction with a teacher. Any Georgia student who is age 21 or younger shall be eligible to enroll in the Georgia Virtual School~~, at no cost to the student~~. The State Board of Education is authorized to promulgate rules and regulations pertaining to the Georgia Virtual School. Such rules and regulations, if established, shall include, at a minimum, a process for students to enroll in Georgia Virtual School courses and a process whereby a student's grade in the course is reported on the student's transcript. All teachers who provide instruction through the Georgia Virtual School shall be certified by the Professional Standards Commission. A local school system shall not prohibit any student from taking a course through the Georgia Virtual School, regardless of whether the school in which the student is enrolled offers the same course.

(b)(1) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. The department shall use funds from ~~this~~ such grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs associated with the maintenance of the Georgia Virtual School, such as new course development, credit recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and costs for tuition, materials, and fees for courses taken through the Georgia Virtual School by students in home study programs or private schools in this state.

(2) The local school system shall pay to the department costs for tuition, materials, and fees directly related to the approved course taken by a student in its school system

through the Georgia Virtual School; provided, however, that in no event shall the amount of tuition charged to and paid by the local school system on behalf of such student exceed $250.00 per student per semester course; and provided, further, that if a student participates in courses through the Georgia Virtual School that are in excess of the maximum number of courses a student may be enrolled in during a school day, such student shall be subject to the cost of tuition not to exceed $250.00 per student per semester course.

(3) Students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School at no cost, if appropriations are provided for such purpose in accordance with paragraph (1) of this subsection. If appropriations are not provided or if appropriations are provided but have been expended for such purpose, students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School based on availability of slots; provided, however, that such students shall be subject to the cost of tuition not to exceed $250.00 per student per semester course.

(c) The Georgia Virtual School shall not be considered a school for purposes of Article 2 of Chapter 14 of this title."

SECTION 30.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as follows:

"(2) 'Clearing-house' means the clearing-house established pursuant to subsection ~~(b)~~(c) of this Code section."

SECTION 31.

Said chapter is further amended by revising Code Section 20-2-319.4, relating to virtual instruction programs, notice of opportunities, mechanisms for compliance, approved providers, approval status, and curriculum plan, as follows:

"20-2-319.4.

(a) Beginning with the 2013-2014 school year, each local school system shall provide opportunities to all students in grades three through 12 enrolled in public schools within its boundaries for participation in part-time and full-time virtual instruction program options. Written notice of such opportunities, including an open enrollment period for full-time students of at least 90 days and not ending earlier than 30 days prior to the first day of the school year, shall be provided directly to parents of all students. The purpose of the program shall be to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide at least three options for:

(1) Full-time virtual instruction for students enrolled in grades three through 12; and

(2) Part-time virtual instruction for students enrolled in grades three through 12.

A virtual instruction program conducted by a local school system shall include specific ~~provision~~ provisions for at least two full-time options and one part-time option for

students enrolled in dropout prevention and academic intervention programs or Department of Juvenile Justice education programs under Code Section 20-2-133.

(b) To provide students with the option of participating in virtual instruction programs as required by subsection (a) of this Code section, a local school system may apply one or all of the following mechanisms:

(1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code Section 20-2-319.1;

(2) Facilitate enrollment in one or more courses pursuant to the clearing-house established pursuant to Code Section 20-2-319.3;

~~(2)~~(3) Enter into a contract with ~~an approved~~ a provider ~~under subsection (c) of this Code section~~ for the provision of a full-time program under paragraph (1) of subsection (a) of this Code section or a part-time program under paragraph (2) of subsection (a) of this Code section; or

~~(3)~~(4) Enter into an agreement with another local school system or systems to allow the participation of its students in an approved virtual instruction program provided by such other local school system or systems. The agreement shall indicate a process for the transfer of funds.

Contracts and agreements entered into pursuant to paragraph ~~(2)~~(3) or ~~(3)~~(4) of this subsection may include multidistrict contractual arrangements that may be executed by a regional educational service agency for its member school systems.

~~(c) The department shall annually provide local school systems with a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider shall document that it:~~

~~(1) Possesses prior, successful experience offering online courses to elementary, middle, or high school students, as demonstrated through quantified student performance improvements for each subject area and grade level provided for consideration as instructional program options;~~

~~(2) Assures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level intended for provision within local school system contracts, including:~~

~~(A) Courses and programs that meet the nationally recognized standards for K-12 online learning;~~

~~(B) Instructional content and services that align with and measure student attainment of proficiency in the state-approved curriculum; and~~

~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate; and~~

~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of Education, for the general public, as part of its application as a provider, and in all contracts negotiated pursuant to this Code section:~~

~~(A) Information and data about each full-time and part-time program regarding its curriculum;~~

~~(B) School policies and procedures;~~

~~(C) Certification status of all administrative and instructional personnel;~~

~~(D) Teacher-student ratios;~~

~~(E) Student completion and promotion rates; and~~

~~(F) Student, educator, and school performance accountability outcomes.~~

~~(d) An approved provider shall retain its approved status for a period of five years after the date of the department's approval pursuant to subsection (c) of this Code section as long as the provider continues to comply with all requirements of this Code section; provided, however, that each provider approved by the department for the 2013-2014 school year shall reapply for approval to provide a part-time program for students in grades three through 12.~~

~~(e)~~(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code section with ~~an approved~~ a provider shall at a minimum set forth a detailed curriculum plan that illustrates how students will be provided services for, and be measured for attainment of, proficiency in state ~~curriculum~~ requirements for content standards for each grade level and subject."

SECTION 32.

Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on assisting local boards of education in acquiring digital learning, and designating said Code section as reserved.

SECTION 33.

Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's Economy Act," as follows:

"(5) 'Focused program of study' means a rigorous academic core combined with a focus in mathematics and science; a focus in humanities, fine arts, and foreign language; or a coherent sequence of career pathway courses that is aligned with graduation requirements established by the State Board of Education and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this article that prepares a student for postsecondary education or immediate employment after high school graduation."

SECTION 34.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating to requirements for high schools that receive a reform grant, as follows:

"(1) Provide focused programs of study which are designed to provide a well-rounded education for students by fostering artistic creativity, critical thinking, and self-discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life. The focused programs of study, whether provided at a choice technical high school, a college and career academy, a traditional high school, or on site at a technical school or college or a public college or university, shall be aligned with graduation requirements established

by the State Board of Education and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this article, including, at a minimum, four years of mathematics, Algebra I and higher, and four years of English, with an emphasis on developing reading and writing skills to meet college and career readiness standards;"

SECTION 35.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating to educational entities and requirements for private schools and home study programs, as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education, which shall provide for written or electronic submittal of such declaration of intent;

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, the local school system in which the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of attendance by the Department of Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of

minors, and any documents required to apply for the receipt of state or federal public assistance;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 36.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating to contributions by employees, state, and local employers and withholding or deducting employees' contributions for health insurance for public school teachers, as follows:

"(b) As the local employer's share, the local employer shall contribute to the health insurance fund such portion of the cost of such benefits as may be established by the Governor and the board and, in addition thereto, an amount to be established by the board to defray the cost of administration. The board shall determine whether such portion shall be determined based upon a percentage of the total outlay for the salaries of teachers employed by the local employer or determined on an amount per employee electing coverage under the plan based on the coverage elected, in accordance with the appropriation of funds. If a local employer fails to remit the employer's share as calculated by the commissioner, as provided in this Code section, it shall be the duty of the commissioner to notify the State Board of Education of such failure and it shall be the duty of the State Board of Education to, with reasonable promptness, withhold from the employer which has failed to comply ~~all appropriations allotted to such employer until such employer has fully complied with the provisions of this Code section by making remittance of the sums required~~ sufficient state funds as calculated by the commissioner to fully satisfy the outstanding obligation of the local employer to the health insurance fund. Such withheld funds shall be promptly transmitted by the state board to the Department of Community Health."

SECTION 37.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating to withholding or deducting employees' contributions for health insurance for public school employees, as follows:

"(b) The Department of Education and local school systems shall contribute to the health insurance fund such portion of the costs of such benefits as may be established

by the board to maintain the employee contributions consistent with other health insurance plans administered by the board. In the event that the commissioner shall determine that a local employer has failed to contribute the full amount of such portion, as calculated by the commissioner, it shall be the duty of the commissioner to notify the State Board of Education of such failure and it shall be the duty of the State Board of Education to, with reasonable promptness, withhold from the employer which has failed to comply ~~all appropriations allotted to such employer until such employer has fully complied with the provisions of this Code section by making remittance of the sums required~~ sufficient state funds as calculated by the commissioner to fully satisfy the outstanding obligation of the local employer to the health insurance fund. Such withheld funds shall be promptly transmitted by the state board to the Department of Community Health."

SECTION 38.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating to procedure for nonrenewal after acceptance by teacher of school year contract for fourth consecutive school year, as follows:

"(b)(1) A teacher who accepts a school year contract for the fourth consecutive school year from the same local board of education may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940.

(2) In order to demote or fail to renew the contract of a teacher who accepts a school year contract for the fourth or subsequent consecutive school year from the same local board of education, the teacher must be given written notice of the intention to demote or not renew the contract of the teacher. Such notice shall be given by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice shall contain a conspicuous statement in substantially the following form:

You have the right to certain procedural safeguards before you can be demoted or dismissed. These safeguards include the right to notice of the reasons for the action against you and the right to a hearing. If you desire these rights you must send to the school superintendent by certified mail or statutory overnight delivery a statement that you wish to have a hearing; and such statement must be mailed to the school superintendent within 20 days after this notice was mailed to you. Your rights are governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice. A teacher who is so notified that he or she is to be demoted or that his or her contract will not be renewed has the right to the procedures set forth in subsections (b) through (f) of Code Section 20-2-940 before the intended action is taken. A teacher who has the right to these procedures must serve written notice on the superintendent

of the local board employing the teacher within 20 days of the day the notice of the intended action is served that he or she requests a hearing. In order to be effective, such written notice that the teacher requests implementation of such procedures must be served by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Within 14 days of service of the request to implement the procedures, the local board must furnish the teacher a notice that complies with the requirements of subsection (b) of Code Section 20-2-940.

(3) A teacher is deemed to have accepted a fourth consecutive school year contract if, while the teacher is serving under the third consecutive school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school year that he or she does not accept the fourth consecutive school year contract.

(4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection who is subsequently employed by another local board of education and who accepts a second consecutive school year contract from the local board at which the teacher is subsequently employed may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940. The provisions set forth in paragraph (2) of this subsection shall likewise apply to such a teacher.

(5) A teacher is deemed to have accepted a second consecutive school year contract if, while the teacher is serving under the first school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the first school year that he or she does not accept the second consecutive school year contract.

(6) Local boards shall make contract offers available to teachers for a minimum ten-day review period. A teacher accepts the contract by signing and returning it any time during the ten-day period.

(7)(A) Professional certificated personnel employed by a county or independent local school system that becomes consolidated with or merged into another county or independent local school system as provided in Article 8 of this chapter or otherwise shall retain their employment, except as provided in subparagraph (B) of this paragraph, in the newly created, or surviving, school system. ~~Said~~ Such professional certificated personnel shall retain and carry over all the rights already accrued and earned in the professional certificated personnel's prior school system and as set forth in this paragraph.

(B) Any reductions in staff due to loss of students or cancellation of programs in the newly created, or surviving, school system necessitated by the consolidation or merger shall be made first in preference of retaining professional certificated personnel on the basis of uniformly applied criteria set forth in local school board policies of the newly created, or surviving, school system."

SECTION 38A.

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

"ARTICLE 19A

20-2-1020.

(a) To educate students about the sacrifices made for freedom in the founding of this country and the values, principles, and philosophies on which this country was founded, it is strongly encouraged that the full week in September which includes Constitution Day, September 17, is recognized in public elementary, middle, and high schools in this state as Celebrate Freedom Week. It is strongly encouraged that Celebrate Freedom Week include approximately three hours of appropriate instruction, as determined by each local school system, in each social studies class. It is strongly encouraged that the instruction include an age-appropriate study of the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical context including the background of the colonial era along with instruction about the Founding Fathers, such as the signers of the Declaration of Independence and the United States Constitution, the first six Presidents, and particularly George Washington. The religious references in the writings of the Founding Fathers shall not be censored. During Celebrate Freedom Week, it is strongly encouraged that local school systems suggest that students in grades three through 12 read at least one book during the school year that focuses on the Founding Era, either the times and events or the people who made significant contributions to independence or toward establishing the new federal or state governments. In addition, local school systems are strongly encouraged to require students in grades three through 12 to recite at least one of the following three excerpts at least once during the week, and local school systems are encouraged to require daily recitations from one or all of these excerpts at the beginning of each school day:

(1) From the Declaration of Independence:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness – That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed ....;

(2) From the Preamble of the U.S. Constitution:

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.; or

(3) From the First Amendment of the Bill of Rights:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the

right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(b) Upon written request from a student's parent or guardian, a local school system shall excuse the student from the recitation required by this Code section. This Code section shall not apply to a student who:

(1) Has a conscientious objection to the recitation; or

(2) Is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

(c) This Code section shall apply beginning with the 2016-2017 school year.

20-2-1021.

(a) To increase student understanding of, and familiarity with, American historical documents, public schools may display historically important excerpts from, or copies of, those documents in school classrooms and common areas as appropriate. Local boards of education and charter schools are strongly encouraged to allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event excerpts or portions of writings, documents, records, or images that reflect the history of the United States, including, but not limited to:

(1) The Preamble to the Georgia Constitution;

(2) The Declaration of Independence;

(3) The United States Constitution, with emphasis on the 13th, 14th, and 15th Amendments;

(4) The Bill of Rights;

(5) The Mayflower Compact;

(6) The national motto;

(7) The Pledge of Allegiance to the United States flag;

(7.1) The Pledge of Allegiance to the Georgia flag;

(8) The National Anthem;

(9) The writings, speeches, documents, and proclamations of the Founding Fathers and Presidents of the United States;

(9.1) The Emancipation Proclamation;

(9.2) The Gettysburg Address;

(10) Decisions of the United States Supreme Court; and

(11) Acts of the Congress of the United States, including the published text of the Congressional Record.

(b) As historical documents, there shall be no content based censorship of American history and heritage documents referred to in this Code section due to their religious or cultural nature.

20-2-1022.

To increase student understanding of, and familiarity with, American historical documents and to provide curriculum support to classroom teachers of United States history, American government and civics, economics, and social studies, the

Department of Education is strongly encouraged to create an online instructional resource page or pages for teachers, which may include, but is not limited to, links to websites, foundational documents, and lesson plan ideas. In order to create shared digital resources available to all students in this state, such online resources may be integrated with the Teacher Resource Link of the Statewide Longitudinal Data System. At a minimum, such resource page or pages may include the items in paragraphs (1) through (11) of subsection (a) of Code Section 20-2-1021 and may focus on the foundational principles of limited constitutional government, federalism, religious liberty, freedom of speech, the right to private property, free enterprise, and the rule of law. There shall be no content based censorship of American history, writings of the Founding Fathers, or heritage documents referred to in this Code section due to their religious or cultural nature. It is strongly encouraged that the online teacher resource page be completed and made easily available to teachers no later than July 31, 2016, and support the requirements specified in Code Section 20-2-1020."

SECTION 39.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160, relating to local board tribunals to determine school law controversies, appeals, and special provisions for disabled children, as follows:

"(b) Any party aggrieved by a decision of the local board rendered on a contested issue after a hearing shall have the right to appeal therefrom to the State Board of Education. The appeal shall be in writing and shall distinctly set forth the question in dispute, the decision of the local board, and a concise statement of the reasons why the decision is complained of; and the party taking the appeal shall also file with the appeal a transcript of testimony certified as true and correct by the local school superintendent. The appeal shall be filed with the superintendent within 30 days of the decision of the local board, and within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the appeal together with the transcript of evidence and proceedings, the decision of the local board, and other matters in the file relating to the appeal to the state board. The state board shall adopt regulations governing the procedure for hearings before the local board and proceedings before it. The state board may affirm, reverse, or remand the local board decision or may refer the matter to mediation."

SECTION 40.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-2065, relating to waiver of provisions of Title 20, as follows:

"(b) In determining whether to approve a charter petition or renew an existing charter, the local board and state board shall ensure that a charter school, or for charter systems, each school within the system, shall be:

(1) A public, nonsectarian, nonreligious, nonprofit school that is not home based, provided that a charter school's nonprofit status shall not prevent the school from contracting for the services of a for profit entity and that nothing in this Code section

shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting;

(2) Subject to the control and management of the local board of the local school system in which the charter school is located, as provided in the charter and in a manner consistent with the Constitution, if a local charter school;

(3) Subject to the supervision of the state board, as provided in the charter and in a manner consistent with the Constitution, if a state chartered special school;

(4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to any charter petitioner that is a local school, local school system, or state or local public entity;

(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct; provided, however, that if:

(A) A facility used for a charter school is owned or operated by any state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity that owns or operates such facility; or

(B) A facility used for a charter school is owned by a local educational agency and operated utilizing standards of a state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity with respect to structural soundness and sufficient maintenance,

the facility or equipment or both shall be deemed to meet the safety requirements of this paragraph; provided, further, that in no event shall the state agency or entity or local educational agency owner or operator of a charter school with such facility or equipment be disqualified from eligibility for state grants or for federal grants awarded pursuant to state regulations due to such facility or equipment;

(6) Subject to all laws relating to unlawful conduct in or near a public school;

(7) Subject to an annual financial audit conducted by the state auditor or, if specified in the charter, by an independent certified public accountant licensed in this state; provided, however, that a separate audit shall not be required for a charter school if the charter school is included in the local school system audit conducted by the state auditor pursuant to Code Section 50-6-6;

(8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter schools whose charters are granted or renewed on or after July 1, 2000;

(9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

(10) Subject to the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133;

(11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of quiet reflection;

(12) <u>Subject to the provisions of Code Section 20-2-210 relating to annual performance evaluations;</u>

(13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and criminal background checks; and

~~(13)~~(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating to individual graduation plans."

SECTION 41.

Said chapter is further amended in Code Section 20-2-2067.1, relating to amendment of terms of charter for charter schools, initial term of charter, and annual report by revising the introductory language of subsection (c) as follows:

"(c) Each start-up and conversion charter school and each charter system shall submit an annual report outlining the previous year's progress to the authorizing local board or state board, as appropriate; to parents and guardians of students enrolled in the school, or, for a charter system, to parents and guardians of students enrolled in school within the local school system; and to the Department of Education no later than ~~October 1~~ November 1 of each year. The report submitted by a charter system shall include, but not limited to, data on all of its system charter schools. The report shall contain, but is not limited to:"

SECTION 42.

Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section 20-2-2084, relating to petition for charter schools, requirements of school, governing board membership, and annual training, as follows:

"(2) For petitions for state charter schools with a defined attendance zone, the petitioner shall concurrently submit such petition to the commission, to the local board of education in which the school is proposed to be located, and to each local school system from which the proposed school plans to enroll students. The commission shall not act on a petition unless the local board of education in which the school is proposed to be located denies the petition; provided, however, that such local board shall approve or deny the petition no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or deny such petition by such local board, in violation of Code Section 20-2-2064, shall be deemed a denial for purposes of this paragraph. A local board that has denied a petition for a state charter school shall be permitted to present to the commission in writing or in person the reasons for denial and the deficiencies in such petition resulting in such denial."

SECTION 43.

An Act to provide in all counties of 500,000 or more population according to the United States Census of 1960 or any future United States Census that the pension board of the board of education in such counties shall recompute the pension paid to those teachers and employees who had retired as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963, p. 2469), is repealed in its entirety.

SECTION 44.

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

Representative Dudgeon of the 25th moved that the House agree to the Senate substitute to HB 502.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	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	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 motion, the ayes were 173, nays 0.

The motion prevailed.

HB 470. By Representatives Knight of the 130th, Carter of the 175th, Shaw of the 176th, Taylor of the 173rd, Parrish of the 158th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, so as to change certain provisions relating to "The Pharmacy Audit Bill of Rights"; to amend Chapter 64 of Title 33 of the Official Code of Georgia Annotated, relating to regulation and licensure of pharmacy benefits managers, so as to define certain terms; to impose certain requirements for the use of maximum allowable cost pricing by pharmacy benefits managers; to provide for enforcement of such requirements; to provide for requirements relating to in-person pharmacies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, so as to change certain provisions relating to "The Pharmacy Audit Bill of Rights"; to amend Chapter 64 of Title 33 of the Official Code of Georgia Annotated, relating to regulation and licensure of pharmacy benefits managers, so as to define certain terms; to impose certain requirements for the use of maximum allowable cost pricing by pharmacy benefits managers; to provide for enforcement of such requirements; 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:

SECTION 1.

Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacies, is amended by revising Code Section 26-4-118, relating to "The Pharmacy Audit Bill of Rights," as follows:

"26-4-118.

(a) This Code section shall be known and may be cited as 'The Pharmacy Audit Bill of Rights.'

(b) Notwithstanding any other law, when an audit of the records of a pharmacy is conducted by a managed care company, insurance company, third-party payor, pharmacy benefits manager, any entity licensed by the Department of Insurance, the Department of Community Health under Article 7 of Chapter 4 of Title 49, ~~or~~ any entity that represents such companies, groups, or department, or a private person bringing a claim pursuant to Article 7B of Chapter 4 of Title 49, it shall be conducted in accordance with the following bill of rights:

(1) The entity conducting the initial on-site audit must give the pharmacy notice at least ~~one week~~ 14 days prior to conducting the initial on-site audit for each audit cycle

and include in such notice a comprehensive list of claims by prescription number to be audited, although the final two digits may be omitted;

(2) Any audit which involves clinical or professional judgment must be conducted by or in consultation with a pharmacist;

(3) Any clerical or record-keeping error, including but not limited to a typographical error, scrivener's error, or computer error, regarding a required document or record ~~may~~ shall not in and of itself constitute fraud. No such claim shall be subject to criminal penalties without proof of intent to commit fraud. No recoupment of the cost of drugs or medicinal supplies properly dispensed shall be allowed if such error has occurred and been resolved in accordance with paragraph (4) of this subsection; provided, however, that recoupment shall be allowed to the extent that such error resulted in an overpayment, ~~underpayment, or improper dispensing of drugs or medicinal supplies.~~ though recoupment shall be limited to the amount overpaid;

(4) A pharmacy shall be allowed at least 30 days following the conclusion of an on-site audit or receipt of the preliminary audit report in which to correct a clerical or record-keeping error or produce documentation to address any discrepancy found during an audit, including to secure and remit an appropriate copy of the record from a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication if the lack of such a record or an error in such a record is identified in the course of an on-site audit or noticed within the preliminary audit report;

(5) A pharmacy may use the records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug;

(6) A finding of an overpayment or underpayment may be a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs; however, recoupment of claims must be based on the actual overpayment or underpayment unless the projection for overpayment or underpayment is part of a settlement as agreed to by the pharmacy;

(7) Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity;

(8) The period covered by an audit may not exceed two years from the date the claim was submitted to or adjudicated by a managed care company, insurance company, third-party payor, pharmacy benefits manager, any entity licensed by the Department of Insurance, the Department of Community Health under Article 7 of Chapter 4 of Title 49, ~~or~~ any entity that represents such companies, groups, or department;

(9) An audit may not be initiated or scheduled during the first seven calendar days of any month due to the high volume of prescriptions filled during that time unless otherwise consented to by the pharmacy;

(10) The preliminary audit report must be delivered to the pharmacy within 120 days after conclusion of the audit. A final audit report shall be delivered to the pharmacy

within six months after receipt of the preliminary audit report or final appeal, as provided for in subsection (c) of this Code section, whichever is later; and

(11) The audit criteria set forth in this subsection shall apply only to audits of claims submitted for payment after July 1, 2006. Notwithstanding any other provision in this subsection, the agency conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits.

(c) Recoupments of any disputed funds shall only occur after final internal disposition of the audit, including the appeals process as set forth in subsection (d) of this Code section.

(d) Each entity conducting an audit shall establish an internal appeals process under which a pharmacy shall have at least 30 days from the delivery of the preliminary audit report to appeal an unfavorable preliminary audit report to the entity. If, following the appeal, the entity finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or such portion without the necessity of any further proceedings.

(e) Each entity conducting an audit shall provide a copy of the final audit report, after completion of any review process, to the plan sponsor at its request or in an alternate format.

(f) This Code section shall not apply to any investigative audit which involves fraud, willful misrepresentation, or abuse, including without limitation investigative audits under Article 7 of Chapter 4 of Title 49, Code Section 33-1-16, or any other statutory provision which authorizes investigations relating to insurance fraud.

(g) The provisions of paragraph (3) of subsection (b) of this Code section shall not apply to the Department of Community Health conducting audits under Article 7 of Chapter 4 of Title 49.

(h) The entity conducting the audit may not pay the agent or employee who is conducting the audit based on a percentage of the amount recovered.

(i) The Commissioner of Insurance shall have enforcement authority over this Code section and shall have the authority granted pursuant to Chapter 64 of Title 33, relating to the regulation and licensure of pharmacy benefits managers."

SECTION 2.

Chapter 64 of Title 33 of the Official Code of Georgia Annotated, relating to regulation and licensure of pharmacy benefits managers, is amended by revising Code Section 33-64-1, relating to definitions, as follows:

"33-64-1.

As used in this chapter, the term:

(1) 'Business entity' means a corporation, association, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity.

(2) 'Commissioner' means the Commissioner of Insurance.

(3) 'Covered entity' means an employer, labor union, or other group of persons organized in this state that provides health coverage to covered individuals who are employed or reside in this state.
(4) 'Covered individual' means a member, participant, enrollee, contract holder, policy holder, or beneficiary of a covered entity who is provided health coverage by a covered entity.
(5) 'Health system' means a hospital or any other facility or entity owned, operated, or leased by a hospital and a long-term care home.
(6) 'Maximum allowable cost' means the per unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.
(7) 'Pharmacy' means a pharmacy or pharmacist licensed pursuant to Chapter 4 of Title 26 or another dispensing provider.
~~(6)~~(8) 'Pharmacy benefits management' means the service provided to a health plan or covered entity, directly or through another entity, including the procurement of prescription drugs to be dispensed to patients, or the administration or management of prescription drug benefits, including, but not limited to, any of the following:
(A) Mail ~~service~~ order pharmacy;
(B) Claims processing, retail network management, or payment of claims to pharmacies for dispensing prescription drugs;
(C) Clinical or other formulary or preferred drug list development or management;
(D) Negotiation or administration of rebates, discounts, payment differentials, or other incentives for the inclusion of particular prescription drugs in a particular category or to promote the purchase of particular prescription drugs;
(E) Patient compliance, therapeutic intervention, or generic substitution programs; and
(F) Disease management.
~~(7)~~(9) 'Pharmacy benefits manager' means a person, business entity, or other entity that performs pharmacy benefits management. The term includes a person or entity acting for a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management for a covered entity. The term does not include services provided by pharmacies operating under a hospital pharmacy license. The term also does not include health systems while providing pharmacy services for their patients, employees, or beneficiaries, for indigent care, or for the provision of drugs for outpatient procedures. The term also does not include services provided by pharmacies affiliated with a facility licensed under Code Section 31-44-4 or a licensed group model health maintenance organization with an exclusive medical group contract and which operates its own pharmacies which are licensed under Code Section 26-4-110."

SECTION 3.

Said chapter is further amended by revising Code Section 33-64-7, relating to a limitation on the Commissioner to extend rules and regulations, as follows:

"33-64-7.

The Commissioner may not enlarge upon or extend the provisions of this chapter through any act, rule, or regulation; provided, however, that the Commissioner is authorized to enforce any provision of this chapter."

SECTION 4.

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

"33-64-9.

(a) Upon each contract execution or renewal between a pharmacy benefits manager and a pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, a pharmacy benefits manager shall, with respect to such contract or renewal:

(1) Include in such contract or renewal the sources utilized to determine multi-source generic drug pricing, such as maximum allowable cost or any successive benchmark pricing formula, and update such pricing information at least every five business days, provided that such pricing information update shall be at least every 14 business days for those contracts pursuant to Article 7 of Chapter 4 of Title 49; and

(2) Maintain a procedure to eliminate products from the multi-source generic list of drugs subject to such pricing or modify multi-source generic drug pricing within five business days when such drugs do not meet the standards and requirements of this Code section in order to remain consistent with pricing changes in the marketplace.

(b) A pharmacy benefits manager shall reimburse pharmacies for drugs subject to multi-source generic drug pricing based upon pricing information which has been updated within five business days as set forth in paragraph (1) of subsection (a) of this Code section.

(c) A pharmacy benefits manager may not place a drug on a multi-source generic list unless there are at least two therapeutically equivalent, multi-source generic drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers.

(d) All contracts between a pharmacy benefits manager and a contracted pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, shall include a process to internally appeal, investigate, and resolve disputes regarding multi-source generic drug pricing. The process shall include the following:

(1) The right to appeal shall be limited to 14 calendar days following reimbursement of the initial claim; and

(2) A requirement that the health benefit plan issuer or pharmacy benefits manager shall respond to an appeal described in subsection (a) of this Code section no later than 14 calendar days after the date the appeal was received by such health benefit plan issuer or pharmacy benefits manager.

(e) For appeals that are denied, the pharmacy benefits manager shall provide the reason for the denial and identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost.

(f) If the appeal is successful, the health benefit plan issuer or pharmacy benefits manager shall:

(1) Adjust the maximum allowable cost price that is the subject of the appeal effective on the day after the date the appeal is decided;

(2) Apply the adjusted maximum allowable cost price to all similarly situated pharmacists and pharmacies as determined by the health plan issuer or pharmacy benefits manager; and

(3) Allow the pharmacist or pharmacy that succeeded in the appeal to reverse and rebill the pharmacy benefits claim giving rise to the appeal.

(g) Appeals shall be upheld if:

(1) The pharmacy being reimbursed for the drug subject to the multi-source generic drug pricing in question was not reimbursed as required in subsection (b) of this Code section; or

(2) The drug subject to the multi-source generic drug pricing in question does not meet the requirements set forth in subsection (c) of this Code section.

(h) The Commissioner shall have enforcement authority over this Code section."

SECTION 5.

Sections 1 and 6 and this section of this Act shall become effective on July 1, 2015. Sections 2, 3, and 4 of this Act shall become effective on January 1, 2016.

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 470.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y 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	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y 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	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 motion, the ayes were 173, nays 0.

The motion prevailed.

HB 190. By Representatives Golick of the 40th, Smith of the 134th, Maxwell of the 17th and Powell of the 32nd:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide insurance requirements for transportation network companies and their drivers; to provide for definitions; to provide for minimum liability limits; to provide for certain disclosures; to provide for certain notifications; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide insurance requirements for transportation network companies and their drivers; to provide for definitions; to provide for minimum liability limits; to provide for certain disclosures; to provide for certain notifications; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding a new Code section to read as follows:

"33-1-24.

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

(1) 'Personal vehicle' means a registered motor vehicle that is used by a transportation network company driver in connection with providing services for a transportation network company.

(2) 'Transportation network company' means a corporation, partnership, sole proprietorship, or other entity that uses a digital network or other means to connect customers to transportation network company drivers for the purposes of providing transportation for compensation including, but not limited to, payment, donation, or other item of value. The term shall not include emergency or nonemergency medical transports.

(3) 'Transportation network company customer' or 'customer' means an individual who uses a transportation network company to connect with a driver to obtain services in such driver's personal vehicle, from an agreed upon point of departure to an agreed upon destination.

(4) 'Transportation network company driver' or 'driver' means an individual who uses or permits to be used his or her personal vehicle to provide transportation network company services. Such driver need not be an employee of a transportation network company.

(5) 'Transportation network company services' or 'services' means:

(A) The period of time a driver is logged on to the transportation network company's digital network and available to accept a ride request until the driver is logged off, except for that time period described in subparagraph (B) of this paragraph; and

(B) The period of time a driver accepts a ride request on the transportation network company's digital network until the driver completes the transaction or the ride is complete, whichever is later.

Transportation network company services shall not include transportation provided using a taxi, a limousine carrier as defined in Code Section 40-1-151, or any other commercially registered motor vehicle and commercially licensed driver.

(b) A transportation network company shall maintain or cause to be maintained a primary motor vehicle insurance policy that:

(1) Recognizes the driver as a transportation network company driver and explicitly covers the driver's provision of transportation network company services as defined in paragraph (5) of subsection (a) of this Code section;

(2) During the time period defined in subparagraph (a)(5)(A) of this Code section, provides a minimum of $100,000.00 for bodily injuries to or death of all persons in any one accident with a maximum of $50,000.00 for bodily injuries to or death of one person and $50,000.00 for loss of or damage to property of others, excluding cargo, in any one accident; and

(3) During the time period defined in subparagraph (a)(5)(B) of this Code section, provides a minimum of $1 million for death, personal injury, and property damage per occurrence and provides uninsured and underinsured motorist coverage of at least $1 million per incident.

(c) The requirements of subsection (b) of this Code section may be satisfied by either:

(1) A commercial motor vehicle insurance policy purchased by the transportation network company or the driver that provides coverage that meets the requirements set forth in subsection (b) of this Code section; or

(2) An insurance rider to, an endorsement of, or an express provision of coverage for transportation network company services within the driver's personal private passenger motor vehicle insurance policy required by Code Section 40-9-34 which may be combined with an excess policy provided by the transportation network company to meet the requirements set forth in subsection (b) of this Code section.

(d) A transportation network company that purchases an insurance policy to satisfy any of the requirements under subsection (b) of this Code section shall provide the insurance policy to the Commissioner.

(e) An insurance policy required by subsection (b) of this Code section shall be placed with an insurer licensed under this title or with a surplus lines insurer eligible under Chapter 23 of this title.

(f) To the extent the coverage requirements in subsection (b) of this Code section are met by a driver, then such driver shall submit verification of such coverage to the transportation network company. In the event that the insurance maintained by a driver to fulfill the requirements of subsection (b) of this Code section has lapsed or ceases to exist, then the transportation network company shall provide coverage which shall become primary beginning with the first dollar of a claim.

(g)(1) Nothing in this Code section shall be construed to require a personal vehicle insurance policy to provide primary or excess coverage for transportation network company services.

(2) Insurers that write motor vehicle insurance policies in this state may exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides transportation network company services. Notwithstanding any other law, a personal vehicle insurer may, at its discretion, offer a personal vehicle insurance policy, or an amendment or endorsement to an existing policy, that covers a driver's vehicle while being used for transportation network company services during the time period specified in this paragraph, with or without a separate charge, or the policy contains an amendment or an endorsement to provide such coverage, for which a separately stated premium may be charged.

(h) The transportation network company shall comply with the following requirements for each driver:

(1) The driver shall be provided a disclosure from the transportation network company containing:

(A) All information and documentation required for compliance with Code Section 40-6-10 if the transportation network company provides any insurance policy required by subsection (b) of this Code section;

(B) Notice that the driver's personal vehicle insurance policy may exclude any and all coverage for injuries to the driver and to others and may exclude the duty to defend or indemnify any person or organization for liability for any loss or injury that occurs while providing transportation network company services; and

(C) Notice that the driver's personal vehicle insurance policy may exclude coverage for damage to the personal vehicle, medical payments coverage, uninsured and underinsured motorist coverage, and other first-party claims;

(2) Such transportation network company shall make the following disclosure to a driver in the driver's terms of service: 'If the vehicle with which you provide transportation network company services has a lien against it, you must notify the lienholder that you provide transportation network company services with such vehicle. Providing such transportation network company services may violate the terms of your contract with the lienholder.';

(3) The transportation network company shall include the disclosures required by this subsection in the driver's terms of service in a distinctive clause; and

(4) For purposes of claims coverage investigation and upon request of the transportation network company driver's personal vehicle insurer, the transportation network company shall provide, within 15 days of such insurer's request, the date and times at which an accident occurred that involved a transportation network company driver and the precise times in the 12 hours preceding and following the accident that the driver logged on and off the transportation network company network or application or otherwise signified availability to provide transportation network company services. Coverage under a motor vehicle insurance policy maintained by the transportation network company shall not be dependent on a personal vehicle insurer first denying a claim nor shall a personal vehicle insurance policy be required to first deny a claim.

(i) In the event the transportation network company is providing primary insurance coverage under subsection (b) of this Code section, the transportation network company's insurer shall assume the costs of defense and indemnification. The transportation network company shall notify the driver and the driver's insurer of any dispute concerning primary coverage within 25 business days of receiving notice of the accident that gives rise to such claim. A personal vehicle insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide motor vehicle insurance to the same driver in satisfaction of the coverage requirements of this Code Section at the time of loss.

(j) In the event the transportation network company is providing primary insurance coverage under subsection (b) of this Code section and the driver or the driver's insurer is named as a defendant in a civil action for any loss or injury that occurs while a personal vehicle is available to provide transportation network company services, the

transportation network company's insurer shall have the duty to defend and indemnify the driver and the driver's insurer."

SECTION 2.

This Act shall become effective on January 1, 2016.

SECTION 3.

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

Representative Golick of the 40th moved that the House agree to the Senate substitute to HB 190.

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

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

On the motion, the ayes were 153, nays 14.

The motion prevailed.

HB 475. By Representatives McCall of the 33rd, Burns of the 159th, Meadows of the 5th, England of the 116th, Harden of the 148th and others:

A BILL to be entitled an Act to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to revise provisions relating to the hunting of feral hogs; to revise definitions; to allow for the taking of feral hogs without a hunting license; to remove additional restrictions on the hunting of feral hogs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to plant disease, pest control, and pesticides, so as to provide for the control and transport of feral hogs; to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to revise provisions relating to the hunting of feral hogs; to remove certain restrictions on the hunting of feral hogs; to provide for exceptions and penalties; to provide for a short title; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Feral Hog Control Act."

SECTION 2.

The General Assembly finds that feral hogs are an invasive species in Georgia and are detrimental to the natural resources and agricultural production of the state. Feral hogs cause significant damage to crops and wildlife habitat. In addition, as carriers of communicable diseases, feral hogs pose a health risk to humans, livestock, companion animals, pets, and native wildlife.

SECTION 3.

Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to plant disease, pest control, and pesticides, is amended by adding a new article to read as follows:

"ARTICLE 7

2-7-200.
As used in this article, the term 'feral hog' has the meaning provided by Code Section 27-1-2.

2-7-201.
(a) No person shall transport live feral hogs anywhere in this state unless authorized to do so pursuant to a feral hog transport permit carried on such person while engaging in the transport of such feral hogs.

(b)(1) Upon request by any person, the department shall issue a feral hog transport permit authorizing such person to transport live feral hogs; provided, however, that such permit shall only authorize the transportation of live feral hogs directly to slaughter, to a slaughtering facility, or to any other type of facility approved and licensed by the department, unless otherwise directed pursuant to an order issued by the state veterinarian.

(2) The cost of a feral hog transport permit shall not exceed $15.00.

(c) The department may require a license for the operation of any facility which holds but does not slaughter live feral hogs. The cost of such license shall not exceed $100.00.

(d) Any fees for licenses collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1.

(e) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by Code Section 17-10-4; provided, however, that if a fine is imposed pursuant to such Code section, such fine shall be not less than $1,500.00. In addition, any license or permit previously issued under Title 27 to any such person shall by operation of law be revoked and shall not be reissued for a period of three years after the date of conviction. Such person shall be notified of the revocation by the Department of Natural Resources either personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the license or permit, or both, or to the Secretary of State as provided in Code Section 27-2-24.

2-7-202.
No person shall commingle feral hogs with domestic swine or hold feral hogs on any premises where domestic swine are located.

2-7-203.
Except as provided in subsection (e) of Code Section 2-7-201, any person who violates any provision of this article shall be guilty of a misdemeanor.

2-7-204.

The department may promulgate all rules and regulations necessary to administer the provisions of this article."

SECTION 4.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by revising subsection (b) of Code Section 27-1-33, relating to the offense of criminal trespass, as follows:

"(b) Any person who enters upon or who hunts, traps, or fishes on any public hunting or fishing area, fish hatchery, or natural area~~,~~ or any game management area owned or operated~~, or owned and operated,~~ by the department in violation of this Code section commits the offense of criminal trespass."

SECTION 5.

Said title is further amended by revising Code Section 27-2-31, relating to wildlife control permits, as follows:

"27-2-31.

(a) The department is authorized to issue wildlife control permits authorizing the permittee to trap, transport and release, or kill wildlife and feral hogs where such action is otherwise prohibited by law or regulation:

(1) When the department determines that there is a substantial likelihood the presence of such wildlife ~~or feral hogs~~ will endanger or cause injury to persons or will destroy or damage agricultural crops, domestic animals, buildings, structures, or other personal property;

(2) For the control of white-tailed deer on airport property; provided, however, that permits shall be issued under this paragraph for purposes of public safety, and the control of white-tailed deer for other purposes and the removal of black bear shall be as provided in Code Sections 27-2-18 and 27-3-21, respectively;

(3) For fur-bearing animals, as defined in paragraph (31) of Code Section 27-1-2, to implement a bona fide wildlife management plan that has been approved by the department; and

(4) For feral hogs, provided that:

(A) All permitted activities must comply with all rules and regulations of the Department of Agriculture; and

(B)(i) No person shall transport any live feral hog without carrying on his or her person a feral hog transport permit issued by the Department of Agriculture pursuant to Code Section 2-7-201, and no person shall release any trapped or transported feral hog into any area that is not fenced to prevent the escape of such feral hog onto the land of another.

(ii) Any person who violates division (i) of this subparagraph shall, upon conviction thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by Code Section 17-10-4; provided, however,

that if a fine is imposed pursuant to such Code section, such fine shall be not less than $1,500.00.

(iii) Any license or permit previously issued under this title to any person convicted of violating division (i) of this subparagraph shall by operation of law be revoked and shall not be reissued for a period of three years after the date of such conviction. The licensee or permit holder shall be notified of the revocation personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the license or permit, or both, or to the Secretary of State as provided in Code Section 27-2-24.

(b)(1) In issuing a wildlife control permit, the department shall prescribe the method, means, species, numbers, time limits, location, and any other conditions it deems necessary to ensure the continued viability of the wildlife population involved and to ensure that the public safety and interest are not compromised.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a wildlife control permit for feral hogs shall authorize the hunting or trapping of such feral hogs:

(A) At night with a light except during the season prescribed for hunting deer;

(B) From within a motor vehicle or while on a motor vehicle; and

(C) By a Georgia resident without a hunting or trapping license if such hunting occurs on premises owned by the permittee or his or her immediate family or leased by him or her or his or her immediate family and used primarily for raising or harvesting crops other than timber or for containing livestock or poultry. Nothing in this subparagraph shall be construed to affect or negate the terms of any lease agreement.

(3) A wildlife control permit for feral hogs shall expire not less than five years from the issuing date; provided, however, that if the permittee is leasing the premises upon which the hunting is to occur, such permit shall expire automatically upon the termination of the lease. The department shall provide for the renewal of permits.

(c) Nothing in this Code section shall be construed to authorize the taking of any species which is protected by the federal Endangered Species Act of 1973, Public Law 93-205, as amended, or under any state law or regulation which has as its purpose the protection of endangered or threatened species."

SECTION 6.

Said title is further amended by revising Code Section 27-3-4, relating to legal weapons for hunting, as follows:

"27-3-4.

(a) It shall be unlawful to hunt wildlife with any weapon, except that:

(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must be broadhead type;

(2) During primitive weapon hunts or primitive weapons seasons:

(A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with single shot may be used; and

(B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;

(3) Firearms for hunting deer~~,~~ and bear~~, and feral hogs~~ are limited to 20 gauge shotguns or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on state wildlife management areas unless otherwise specified), muzzleloading firearms of .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that firearms for hunting feral hogs, other than those weapons specified in this paragraph, may be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and handguns must be of the expanding type;

(4) Weapons for hunting small game shall be limited to shotguns with shot shell size of no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms, air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound bows; provided, however, that in addition to the weapons listed in this paragraph, any center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat. Nothing contained in this paragraph shall permit the taking of protected species;

(5)~~(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity of not more than five shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine.~~

~~(B)~~ For hunting ~~all other~~ game animals other than deer and bear, shotguns shall be limited to a capacity of not more than three shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine;

(6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or compound bows. Any person taking turkey in violation of this paragraph shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor, except that a fine imposed for such violation shall not be less than $250.00;

(7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained alligators may be killed with any caliber handgun or bangstick and shall be killed immediately before transporting;

(8) There are no firearms restrictions for taking nongame animals, ~~or~~ nongame birds, or feral hogs; and

(9) The use of silencers or suppressors for hunting within this state is prohibited; provided, however, that a silencer or suppressor may be used for hunting on the

private property of the person using such silencer or suppressor, on private property for which the owner of such property has provided verifiable permission to the person using such silencer or suppressor, and on public lands in areas designated by the department.

(b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of paragraph (9) of subsection (a) of this Code section. A person who violates the provisions of this paragraph shall be guilty of a misdemeanor.

(2) The hunting privileges of any person who has been convicted of violating the provisions of this title or any rule or regulation promulgated pursuant thereto by hunting without landowner permission, hunting in an area that is closed for hunting, or hunting big game out of season or at night with a firearm equipped with a suppressor shall be suspended for three years."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 27-3-13, relating to unlawful hunting of certain animals from vehicles, as follows:

"(a) It shall be unlawful to hunt any wildlife or feral hog from an electric, gas, or diesel boat, a steamboat, a sailboat, an ~~airplane~~ aircraft, a hydroplane, a hovercraft, or a motor vehicle; except that alligators may be hunted from any boat or watercraft under power and feral hogs may be hunted from motor vehicles in accordance with an applicable wildlife control permit issued by the department."

SECTION 8.

Said title is further amended by revising Code Section 27-3-24, relating to restrictions on hunting feral hogs, as follows:

"27-3-24.

(a) It shall be unlawful to hunt, or engage in the hunting of, feral hogs:

(1) Upon the lands of another or enter upon the lands of another in pursuit of feral hogs without first obtaining permission from the landowner or lessee of such land or the lessee of the game rights of such land;

(2) Upon any land which is posted without having the permission required by paragraph (1) of this subsection in writing and carried upon the person; or

~~(3) Reserved;~~

~~(4) From within a vehicle or while riding on a vehicle at night and with the use of a light;~~

~~(5) At night with a light, except that a light which is carried on the person of a hunter, affixed to a helmet or hat worn by a hunter, or part of a belt system worn by a hunter may be used for locating feral hogs; or~~

~~(6)~~(3) During the firearms deer season unless the hunter and each person accompanying the hunter are wearing a total of at least 500 square inches of daylight fluorescent orange material as an outer garment and such material or garment is worn above the waistline, and may include a head covering.

(a.1)(1) The board may by rule or regulation restrict the feeding, baiting, or hunting of feral hogs upon, over, around, or near feed or bait in any county wherein there is a documented occurrence of a communicable disease in deer and in any county adjoining such county. Such restriction may be imposed in such county and any adjoining county for a period of up to and including one year and may be extended for additional periods of up to and including two years each upon documentation that the communicable disease is still present in deer in such county. No person shall feed, bait, or hunt feral hogs in violation of any restriction imposed pursuant to this paragraph.

(2) The department shall give notice of such restriction by mail or electronic means to each person holding a current license to hunt whose last known address is within a restricted county. The department may place or designate the placement of signs and markers so as to give notice of such restriction.

(a.2) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure, attraction, or enticement for feral hogs within 50 yards of any property ownership boundary.

(b) <u>It shall be unlawful to transport any live feral hog without carrying on his or her person a feral hog transport permit issued by the Department of Agriculture pursuant to Code Section 2-7-201. Any person who captures live feral hogs without such permit shall kill such feral hogs prior to transport from the point of capture.</u>

<u>(c)</u> The Board of Natural Resources is authorized by rules or regulations to control and regulate the hunting or taking of feral hogs on wildlife management areas."

SECTION 9.

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

Representative McCall of the 33rd moved that the House agree to the Senate substitute to HB 475.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	Y Howard	Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner

Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
E 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	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	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 motion, the ayes were 170, nays 0.

The motion prevailed.

HR 36. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION honoring the life and memory of Staff Sergeant Shaun J. Whitehead and dedicating a bridge in his honor; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, the State of Georgia and this nation continue to mourn the loss of one of its finest citizens with the untimely passing of Staff Sergeant Shaun J. Whitehead on April 24, 2008; and

WHEREAS, a native of Commerce, Georgia, Staff Sergeant Whitehead attended Commerce High School and joined the United States Armed Forces in 2003; and

WHEREAS, he served as a guardian of this nation's freedom and liberty as a member of the A Company, 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team; and

WHEREAS, Staff Sergeant Whitehead was struck and killed by a bomb while patrolling on foot in Iskandariyah, Iraq; and

WHEREAS, the untimely passing of this American hero has left an unfillable void in the hearts and lives of his parents, wife, children, family, and friends; and

WHEREAS, Staff Sergeant Whitehead embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this remarkable and distinguished American be recognized appropriately by dedicating a bridge in his memory.

PART II

WHEREAS, Mr. Bill T. Hardman was named Georgia's first tourism director of the Georgia Department of Industry and Trade in 1959 and was charged with the responsibility of building this state's hospitality industry; and

WHEREAS, Mr. Hardman established and served as president of the Southern Travel Directors' Council, conducted the first Governor's Conference on Tourism in this country, and promoted Georgia at travel conferences around the United States, Canada, and Europe; and

WHEREAS, he helped organize and served as chairman of the National Association of Travel Organizations and served on the organization's board of directors for 49 years; and

WHEREAS, Mr. Hardman developed the concept of building Welcome Centers at major highway entrances for the State of Georgia; and

WHEREAS, in 1991 he created the Southeast Tourism Society's Marketing College at the University of North Georgia; each year 300 students from 13 southern states travel to Dahlonega to participate in this tourism oriented school, which has 804 graduates to date; and

WHEREAS, he was active in the effort to preserve and restore Lumpkin County's original courthouse, which now serves as Dahlonega's Gold Museum, and was part of the group of local civic boosters who led a wagon train loaded with gold mined in Dahlonega to the State Capitol to promote Dahlonega as a major tourism destination; and

WHEREAS, in his beloved hometown of Dahlonega, Mr. Hardman organized the Christmas Decorating Contest for Dahlonega merchants and raised funds to restore and display the Dahlonega Driving Bell, a relic from 1875 found in the Chestatee River; and

WHEREAS, Mr. Hardman was awarded the Tourism Lifetime Achievement Award by the State of Georgia and was inducted into the Atlanta Hospitality Hall of Fame.

PART III

WHEREAS, Mr. William Love Walton played a vital role in leadership and demonstrated a deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces, valiantly and courageously protecting his fellow Americans during World War II; and

WHEREAS, an upstanding resident of Eatonton, Georgia, for 88 years, Mr. Walton was a dairy farmer and beef farmer, helping to put the city on the map as the dairy capital of the world; and

WHEREAS, Mr. Walton was named Georgia's Soil Conservationist of the Year in the early 1960's; and

WHEREAS, a man of deep and abiding faith, Mr. Walton was an active member of First Baptist Church of Eatonton; and

WHEREAS, he was united in love and marriage for more than 64 years to his wife, Carolyn Cunningham Walton, and he was blessed with four remarkable children; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART IV

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Mrs. Pauline Spearman Brinkley; and

WHEREAS, Mrs. Brinkley was a woman with exceptional values and enduring work ethic, as evidenced by the countless hours she spent inspiring and influencing the children of Faceville and Decatur County, Georgia, through her work with the school lunch room program during and after World War II; and

WHEREAS, a widowed mother of five, Mrs. Brinkley sewed clothes for her children out of patterns cut from newspapers and made her children's upbringing and happiness a priority during the most challenging of financial times; and

WHEREAS, she gave inspiration to many through her high ideals, morals, and deep concern for her fellow citizens, and the devotion, patience, and understanding she demonstrated to her family and friends were admired by others; and

WHEREAS, Mrs. Brinkley was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example she made of her life, she made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in her memory.

PART V

WHEREAS, the State of Georgia continues to mourn the loss of one of its most distinguished citizens with the passing of Senior Police Officer Elmer B. "Buddy" Christian III on March 22, 2011; and

WHEREAS, Officer Christian grew up in Madison County, Georgia, a beloved son of Bud and Carolyn Christian; and

WHEREAS, Officer Christian was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, he worked with the Athens-Clarke County Transportation and Public Works Department before joining the Athens-Clarke County Police Department in December of 2002 as a police officer; and

WHEREAS, Officer Christian was promoted to Senior Police Officer in March of 2010 and was a member of the department's honor guard; and

WHEREAS, on March 22, 2011, Officer Christian paid the ultimate sacrifice when he was shot and killed in the line of duty; and

WHEREAS, he was posthumously honored with the Sherm Applebaum Award by the Athens Rotary Club, Red Cross Heroes Award by the American Red Cross East Georgia Chapter, Military Order of the Purple Heart, Sworn Employee of the First Quarter of 2011 by the Athens-Clarke County Police Department, and Sworn Employee of the Year for 2011; and

WHEREAS, his name has been added to the wall at the National Law Enforcement Memorial in Washington, D.C., and the Georgia Law Enforcement Memorial; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments and sacrifice of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART VI

WHEREAS, Mr. James Henning Perry, also known as Uncle Jim Perry of Nashville, was born in May, 1922, in Nashville, Georgia, the beloved son of Edmond and Carrie Dorsey Perry and the brother of Mary Erneste Perry Houston and W.D. "Bill" Perry; and

WHEREAS, Mr. Perry graduated from Berrien County High School, where he was a popular football star, and attended the University of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces and landed on Utah Beach in Normandy, France, on D-Day; and

WHEREAS, throughout World War II, Mr. Perry fought at the Battle of St. Lo, France, the Liberation of Paris, the Battle of Huertgen Forest, and the Battle of Baston/Battle of the Bulge; and

WHEREAS, his valor and bravery were recognized with medals and awards which include the Silver Star, Army Accommodation Medal for Valor, Purple Heart, Expert Infantryman's badge, three campaign ribbons for the war in Europe, and National Defense Medal; and

WHEREAS, he was awarded the French Croix de Guerre, a medal equivalent to the Distinguished Service Cross given by the United States Armed Forces, for valor under fire on behalf of the liberation of Paris and the French people; and

WHEREAS, upon his return to the United States after the war, Mr. Perry became a community leader, speaking often around the country; and

WHEREAS, Mr. Perry was the president and owner of the Nashville Grocery Company, a director and agent of Life of the South Insurance Company, and a bank director of the Citizens Bank; and

WHEREAS, a man of deep and abiding faith, Mr. Perry was a devoted member of Nashville United Methodist Church where he sang in the choir and was on the church board; and

WHEREAS, he was united in love and marriage to his supportive wife, Mary Payne Brown, and was blessed with two remarkable children, Jimmy and Kathryn; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments and service of this remarkable and distinguished Georgian be appropriately recognized.

PART VII

WHEREAS, Captain Herb Emory was born on April 2, 1953, in Transylvania County, North Carolina; and

WHEREAS, Captain Herb moved to Atlanta in 1971 to attend the Atlanta School of Broadcasting and National School of Broadcasting and began serving as a traffic reporter in Atlanta; and

WHEREAS, throughout his career, Captain Herb worked with numerous local radio stations, including WSNE of Cumming, WDGL of Douglasville, WFOM of Marietta, WACX of Austell, WQXI-AM, 94 Q-Star 94, and Georgia Network News; and

WHEREAS, in 1991 Captain Herb moved to WSB Radio and *Channel 2 Action News*, where he initiated and helped build the traffic team system and infrastructure, including the concepts of "Red Alerts" and "Triple Team Traffic" which countless Atlanta commuters grew to rely upon for accuracy and up-to-the-minute traffic advisories; and

WHEREAS, Captain Herb's commitment to helping Atlanta's drivers navigate traffic with ease is evident by his numerous awards and accolades, including at least 15 First Place Awards, including two Green Eyeshades, for news and traffic reports from the Georgia Associated Press Association, and his induction into the Georgia Radio Hall of Fame in 2008; and

WHEREAS, his generosity of spirit and compassion for others was also widely recognized as he hosted the annual Toys for Tots fundraiser at Fred's Barbeque House in Lithia Springs, volunteered with the Douglas County Boys and Girls Club, was a dedicated member of the Douglas County Animal Control Advisory Board, served on the Friends of Sweetwater Creek State Park Board of Directors, and raised awareness against drinking and driving; and

WHEREAS, Captain Herb passed away on April 12, 2014, doing what he did best–helping others, and his presence and work has been sorely missed by the Atlanta community; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for the life's work of this Atlanta icon by dedicating a bridge in his memory.

PART VIII

WHEREAS, Mr. Wayne J. Hawes was born on February 22, 1914, the beloved son of the late Jack and Josephine Dallas Hawes; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Air Corps, valiantly and courageously defending his fellow citizens in World War II; and

WHEREAS, a graduate of Washington High School, Mr. Hawes earned a bachelor's degree from Savannah State University and devoted his career to inspiring young people as an educator; and

WHEREAS, he taught at several elementary schools in Lincoln County and served as a social studies teacher, department chairperson, assistant principal, and accounts manager at West Side High School; and

WHEREAS, a civil rights advocate, Mr. Hawes was a life member of the NAACP, serving as president of his local chapter for many years, and was the first African American member of Lincoln County Board of Education; and

WHEREAS, Mr. Hawes was a charter member of Twilight Improvement, Inc.; co-founder, chief executive officer, and president of Twilight Sewing Plant, Inc; and a member of the Northeast Georgia Leadership Council and American Legion Post 597; and

WHEREAS, a man of deep and abiding faith, Mr. Hawes was a member of Ebenezer Baptist Church, where he served as a deacon for 52 years, a Sunday school teacher for more than 60 years, and assistant church clerk; and

WHEREAS, he served as assistant secretary of the Columbia Sunday School Convention and president of the Lincoln County Sunday School Union; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART IX

WHEREAS, Mr. Roy William Beaver was born on July 9, 1927, the beloved son of R.A. "Rufus" and Etta Mae Beaver; and

WHEREAS, a member of the VFW Blue Ridge Chapter, Mr. Beaver served as a guardian of this nation's freedom and liberty with the United States military, valiantly and courageously defending his fellow citizens during World War II and the Korean War; and

WHEREAS, he dedicated his career to Levi Strauss & Co. and diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state; and

WHEREAS, Mr. Beaver served on the Fannin County Board of Commissioners and Fannin County Board of Education and was a past master of the Masonic Lodge Blue Ridge Chapter #67; and

WHEREAS, he was united in love and marriage to Patsy Ruth Davenport Beaver for 61 wonderful years, and was blessed with two remarkable children, Michael and Sharon, three grandchildren, and two great-grandchildren; and

WHEREAS, a man of deep and abiding faith, Mr. Beaver was an active member of O'Zion Baptist Church, where he served as secretary and treasurer; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating an intersection in his memory.

PART X

WHEREAS, James C. Moore was born in Coffee County in 1930; and

WHEREAS, he graduated from Nicholls High School, from South Georgia College, and Georgia Southern College (known as Georgia Teachers College at the time); and

WHEREAS, he served in the United States Air Force from 1951 until 1953, rising to the rank of Staff Sergeant; and

WHEREAS, he taught and coached in the Coffee County School System for 13 years, serving at West Green (2), Nicholls (5), Douglas Junior High (2), and Coffee High (4); and

WHEREAS, he also served as Principal of West Green Elementary for one year, Assistant Superintendent for one year, and as Superintendent of Schools for nine years; and

WHEREAS, from 1978-1989, he served in the General Assembly representing Coffee and Atkinson Counties. During this period, he became close friends with the DOT Commissioner, Tom Moreland, and initiated many highway projects that are still providing benefits today. These projects included: the four-laning of U.S. Highway 441 from Douglas to Pearson; the four-laning and adding passing lanes from downtown Douglas to the present high school and to Broxton; the completion of the perimeter road around Douglas, which Mr. Moreland said at the dedication that Douglas was only the

third city in Georgia to have a perimeter road behind Atlanta and Athens; the paving of streets in Coffee and Touchton Woods subdivisions; the paving of all roads to churches in Coffee County; the four-laning of SR 158 from Peterson Avenue to Baker Highway (a must for the Wal-Mart Distribution Center to locate in Douglas); and adding wider truck access on the perimeter road for Wal-Mart; and

WHEREAS, while in the General Assembly, James C. Moore served on the Ways and Means, Education, Agriculture, Natural Resources, and QBE Study Committees; and

WHEREAS, he was a member of the Legislative Council to the Southern Regional Education Board (SREB) for five years; and

WHEREAS, James C. Moore sponsored legislation to create the Department of Adult and Technical Education; and

WHEREAS, he resigned from the General Assembly in 1989 to become the Vice-President for Economic Development at Altamaha Technical College in Jesup and served in that position from 1989 until 1992; and

WHEREAS, since he grew up in Coffee County, attended school in Coffee County, returned to Coffee County to live and work as an educator and farmer, and is a landowner and was a former business owner in Douglas, it is only proper and fitting that a lasting tribute recognizing the contributions of James C. Moore to the people of Coffee County be established.

PART XI

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper James David Young on May 4, 1975; and

WHEREAS, a native of Fitzgerald, Georgia, Trooper Young attended the 41st Trooper School and was assigned to service at Post 30 in Cordele, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short when he was killed by a prisoner while working with the Cordele Police Department; and

WHEREAS, Trooper Young exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper John Dixon Morris on May 18, 1982; and

WHEREAS, a native of Dublin, Georgia, Trooper Morris attended the 54th Trooper School and was assigned to service at Post 8 in Madison, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after he was killed in a patrol car crash on Atlanta Highway in Monroe, Georgia; and

WHEREAS, Trooper Morris exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XIII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Mack Allen Page on June 22, 1968; and

WHEREAS, a native of Ellijay, Georgia, Trooper Page attended the 26th Trooper School and was assigned to service with Post 27 in Blue Ridge, Georgia; and

WHEREAS, this dedicated law enforcement officer's life was cut short after a patrol car crash on State Route 2 in Union County; and

WHEREAS, Trooper Page exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties.

PART XIV

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers were influential Tuskegee Airmen who valiantly and courageously served this nation during World War II and were born in or spent years during their childhood in Laurens County, Georgia; and

WHEREAS, a native of Laurens County, Major Herndon Cummings enlisted in the United States Air Corps on June 25, 1942, and was assigned to the 447th Bomber Group with whom he served for four years; and

WHEREAS, upon completion of his service with the Air Corps, Major Cummings enlisted with the United States Air Force Reserve and dedicated 20 years of additional service to the nation; and

WHEREAS, Colonel Marion Rodgers was raised in Dublin, Georgia, and served with an anti-aircraft artillery unit and as a radio operator prior to attending flight school; and

WHEREAS, Colonel Rodgers was assigned to the 99th Fighter Squadron, the "Red Tails," and dedicated 22 years to the Air Force before working in the civil service field for 17 years; and

WHEREAS, Colonel Rodgers spent a year working for N.A.S.A. as a program manager on the mission for Apollo 13 and was prominent in the development of electronics and communications procedures with N.O.R.A.D.; and

WHEREAS, Colonel John Whitehead spent several years during his youth in Laurens County and flew several missions over Europe during World War II; and

WHEREAS, known as "Mr. Death" by his fellow pilots, Colonel Whitehead was the first African American test pilot for the Air Force and during his 30 year career spent more than 9,500 hours in the air; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of these distinguished Georgians be appropriately recognized with the naming of an interchange in their honor.

PART XV

WHEREAS, MSG Reginald S. Carter, Sr., was recognized by the citizens of this state for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Armed Forces for over 25 years during World War II and the Vietnam War; and

WHEREAS, MSG Carter diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Taylor County Board of Education and the Tax Assessors Board; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, it is abundantly fitting and proper that the extraordinary life of this distinguished Georgian be appropriately recognized by dedicating a bridge in his memory.

PART XVI

WHEREAS, Lieutenant Kelso C. Horne served as a guardian of this nation's freedom and liberty as a second lieutenant in the 82nd Airborne Division during World War II; and

WHEREAS, Lieutenant Horne was a resident of Dublin, Georgia, and graced the cover of *LIFE* magazine on August 14, 1944, as a representation of the one of thousands of men who were fighting to win the battle for France; and

WHEREAS, at 2:06 A.M. on June 6, 1944, Lieutenant Horne leapt from his transport plane and parachuted into Normandy; and

WHEREAS, after weeks of fighting to gain ground against the enemy, Lieutenant Horne was at the head of an infantry column that was advancing on a German-held town when he was stopped by a staff car and asked to be photographed; and

WHEREAS, Lieutenant Horne was injured by shellfire in July 1944, and as he healed from his injuries in England he saw his photo on the cover of *LIFE* magazine; and

WHEREAS, after he returned home from the war, Lieutenant Horne continued to serve his country with the United States Postal Service; and

WHEREAS, it is only fitting and proper that a lasting tribute to Lieutenant Horne's memory and life of service to his country be established.

PART XVII

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, E-4 Roger Dorsey demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice his own personal safety and comfort to ensure the well-being of his fellow man; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Navy, valiantly and courageously defending his fellow citizens during the Vietnam War on the Air Craft Carrier *Intrepid* as an E-4 and working on the aircraft departing and coming from Vietnam; and

WHEREAS, E-4 Dorsey earned a bachelor's degree from the University of Tennessee at Chattanooga and served as the owner and operator of the Lil Pig Convenience Store in Rossville for 22 years; and

WHEREAS, a proud member of the VFW Post #3679, E-4 Dorsey was awarded the Republic of Vietnam Campaign Medal and the National Defense Service Medal; and

WHEREAS, E-4 Dorsey embodied the spirit of service, willing to find meaning in something greater than himself, and it is abundantly fitting and proper that this

remarkable and distinguished American be recognized appropriately by dedicating an intersection in his memory.

PART XVIII

WHEREAS, White County in Northeast Georgia is geographically considered part of the Appalachian mountain range; and

WHEREAS, the cities of Cleveland and Helen in White County have promoted Cleveland as the gateway to the Appalachian mountain range for more than 20 years; and

WHEREAS, the Appalachian Trail runs through White County and provides access to Cleveland and Helen; and

WHEREAS, White County was designated as an official "Appalachian Trail Community" in 2012 by the Appalachian Trail Conservancy; and

WHEREAS, White County is well known for its Appalachian folk potter face jugs and is home to famous folk potter families including the Meaders, Hewell, Dorsey, and Ferguson families; and

WHEREAS, the county is home to the Sautee Nacoochee Center, which includes an American Heritage site featuring 19th century Appalachian artifacts which is used as an American Appalachia teaching exhibit; and

WHEREAS, Cleveland and Helen in White County are well known in the field of Appalachian heritage arts, promoting and developing educational programs to keep the Appalachia visual and performing arts alive; and

WHEREAS, Cleveland is home to Xavier Roberts, founder of Original Appalachian Artworks, where his Appalachian, handcrafted Little People heirloom dolls, now known as Cabbage Patch Kids, were created; and

WHEREAS, White County has been designated as part of Appalachia by the federal government and is eligible for grants from the Appalachian Regional Commission.

PART XIX

WHEREAS, Mr. Frank L. Danchetz has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced

dramatically by his superlative service with the Georgia Department of Transportation; and

WHEREAS, Mr. Danchetz earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and dedicated his career to the Georgia Department of Transportation for 34 years of superlative service in offices such as Environment and Location and Urban Design, with ten years as Chief Engineer; and

WHEREAS, he was a professional mentor to many of the senior managers that currently lead the department, and was instrumental in creating excellent relationships for the department as a liaison to federal, state, and local legislators for project information; and

WHEREAS, he has been recognized with numerous honors and accolades, including the Thomas H. MacDonald Memorial Award for continuous outstanding service over an extended period to the art and science of highway engineering; and

WHEREAS, his leadership and guidance were instrumental to AASHTO, where he served as vice chairperson for the Standing Committee on Highways, as a member of the standing committee on Research and the Asset Management Task Force, and held leadership positions on the special committee on Environment, Archeology, and Historic Preservation; the standing committee on Environment; and the National Transportation Product Evaluation Program; and

WHEREAS, Mr. Danchetz was a pillar of support and institution of service for the Georgia Department of Transportation, contributing some of the best years of his life to the betterment of transportation; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for this dedicated public servant by dedicating a road in his honor.

PART XX

WHEREAS, Mr. Paul V. Liles, Jr., has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the Georgia Department of Transportation; and

WHEREAS, Mr. Liles earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and dedicated his career to the Georgia Department of

Transportation with nearly four decades of superlative service, 22 years of which were as the State Bridge Engineer; and

WHEREAS, he is an institution in the bridge and structural engineering world and has served on a variety of committees for both state and national organizations over the years, including AASHTO's Seismic, Construction, Concrete, Welding, Polymer Composites, and Security committees and the Transportation Research Board's General Structures, Concrete Bridges, Steel Bridges, Structural Fiber Reinforced Plastics, and Bridge Management committees; and

WHEREAS, a registered professional engineer, Mr. Liles holds the title of longest serving employee at the department with 45 years of dedicated and professional activities on his record; and

WHEREAS, his influence, role, and impact on engineering and bridge design in the State of Georgia is truly meaningful and will be valued for generations to come; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for this dedicated public servant by dedicating a bridge in his honor.

PART XXI

WHEREAS, Senator Lawrence (Bud) Stumbaugh has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, a graduate of Lipscomb University, Senator Stumbaugh's professional career includes roles as a professional manager, entrepreneur, motivational speaker, and public servant; and

WHEREAS, Senator Stumbaugh diligently and conscientiously devoted his time, talents, and energy to the citizens of Georgia as a member of the Georgia State Senate for 16 years; and

WHEREAS, during the eight terms Senator Stumbaugh served in the Senate, his leadership and bi-partisan spirit were evident as chairman of the Senate Insurance Committee; and

WHEREAS, he has spoken before sales management groups, civic clubs, political forums, and school, religious, and business functions in 26 states; and

WHEREAS, Senator Stumbaugh grew one of his companies, Team Services, Inc., to 1,500 employees in 39 states and helped make it the 29th fastest growing corporation in America before selling it on the London Stock Exchange; and

WHEREAS, he has served on the Board of Founders for Lipscomb University and the Board of Trustees for Faulkner University; and

WHEREAS, during his tenure with the Georgia Senate, Senator Stumbaugh served as vice chairperson for the Metropolitan Atlanta Rapid Transit Overview Committee; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a bridge in his honor.

PART XXII

WHEREAS, Captain Herbert "Herb" Lee Emory was born on April 2, 1953, in Transylvania County, North Carolina; and

WHEREAS, Captain Herb moved to Atlanta in 1971 to attend the Atlanta School of Broadcasting and National School of Broadcasting and began serving as a traffic reporter in Atlanta; and

WHEREAS, throughout his career, Captain Herb worked with numerous local radio stations, including WSNE of Cumming, WDGL of Douglasville, WFOM of Marietta, WACX of Austell, WQXI-AM, 94 Q-Star 94, and Georgia Network News; and

WHEREAS, in 1991 Captain Herb moved to WSB Radio and *Channel 2 Action News*, where he initiated and helped build the traffic team system and infrastructure, including the concepts of "Red Alerts" and "Triple Team Traffic" which countless Atlanta commuters grew to rely upon for accuracy and up-to-the-minute traffic advisories; and

WHEREAS, Captain Herb's commitment to helping Atlanta's drivers navigate traffic with ease is evident by his numerous awards and accolades, including at least 15 First Place Awards, including two Green Eyeshades, for news and traffic reports from the Georgia Associated Press Association, and his induction into the Georgia Radio Hall of Fame in 2008; and

WHEREAS, his generosity of spirit and compassion for others was also widely recognized as he hosted the annual Toys for Tots fundraiser at Fred's Barbeque House in Lithia Springs, volunteered with the Douglas County Boys and Girls Club, was a dedicated member of the Douglas County Animal Control Advisory Board, served on the Friends of Sweetwater Creek State Park Board of Directors, and raised awareness against drinking and driving; and

WHEREAS, Captain Herb passed away on April 12, 2014, doing what he did best–helping others, and his presence and work has been sorely missed by the Atlanta community; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for the life's work of this Atlanta icon by dedicating a road in his memory.

PART XXIII

WHEREAS, Mrs. Runell "Nell" Brooks Foster was born on March 27, 1906, a beloved daughter of George B. and Emma Palmer Brooks; and

WHEREAS, the youngest of 12 children, Mrs. Foster's father was a prominent farmer and land owner and she grew up on the family farm which consisted of more than 150 acres that spanned across what is now the intersection of U.S. Highway 78 and Rosebud Road; and

WHEREAS, she attended Midway School, where she later went on to return as a teacher, and is the oldest living graduate of Grayson High School; and

WHEREAS, Mrs. Foster was united in love and marriage to her high school sweetheart, Clyde Foster, on February 12, 1928, and after the couple lived for a short time in Atlanta, they returned to the corner of Rosebud Road and U.S. Highway 78 to live in the rock house at the intersection; and

WHEREAS, now a centenarian, Mrs. Foster has lived on Rosebud Road and U.S. Highway 78 for 83 years and raised three daughters, Mary, Pat, and Sara, there; and

WHEREAS, Mr. Foster owned and operated Foster's Service Station across from the family home for 45 years; and

WHEREAS, for decades, the Foster's rock home has served as a landmark in the area, and it is abundantly fitting and proper that the intersection be dedicated in honor of Mrs. Foster and her family.

PART XXIV

WHEREAS, Ms. Gladys Maria Knight was born on May 28, 1944, in Atlanta, Georgia, the beloved daughter of Sarah Elizabeth and Merald Woodlow Knight, Sr.; and

WHEREAS, known as the "Empress of Soul," Ms. Knight is a world renown recording artist, songwriter, businesswoman, humanitarian, and author; and

WHEREAS, her group, Gladys Knight & the Pips, was known for its award winning motown sound and R&B with hits such as "I Heard It Through the Grapevine," "Neither One of Us (Wants to Be the First to Say Goodbye)," "Midnight Train to Georgia," and "You're the Best Thing That Ever Happened to Me"; and

WHEREAS, Ms. Knight's Grammy Award winning performances include "That's What Friends Are For," "Superwoman," "Missing You," and "Heaven Help Us All"; and

WHEREAS, she earned the title of Best Traditional R&B Vocal Album from the Grammy's for her work on *At Last* and Best Gospel Choir or Chorus Album for *One Voice*; and

WHEREAS, in addition to her amazing musical talent, Ms. Knight is a talented actress, earning a Golden Globe Best New Actress nomination for her role in *Pipe Dreams*; and

WHEREAS, Ms. Knight has been recognized with numerous honors and accolades, including an *Essence* award for Career Achievement, Trumpet Awards Foundation Pinnacle Award, BET Lifetime Achievement Award, NAACP Image Award for Outstanding Jazz Artist, and Soul Train Music Awards Lifetime Achievement Award; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating a road in her honor.

PART XXV

WHEREAS, Mr. Loyd Strickland has long been recognized for the vital role that he played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Strickland served as a member of the Department of Transportation Board in the 1960s, where his leadership and influence were instrumental in the development of Interstate 985 which provided a gateway to Gainesville State College and Lanier Technical College; and

WHEREAS, his business acumen was widely recognized as the owner and founder of Chestnut Mountain Hatchery, which later became Crystal Farms, a major player in the poultry industry; and

WHEREAS, Mr. Strickland's generosity and philanthropy were evident as an early supporter of Eagle Ranch, a thriving home for boys and girls; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness, and by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized by dedicating an intersection in his memory.

PART XXVI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XXVII

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that the bridge on State Route 82 at Interstate 85 in Jackson County is dedicated as the Staff Sergeant Shaun J. Whitehead Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 400 in Dawson and Lumpkin counties is dedicated as the Bill T. Hardman Hospitality Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 16 over Rooty Creek in Putnam County is dedicated as the William Love Walton Bridge.

BE IT FURTHER RESOLVED AND ENACTED that State Route 302 in Decatur County from its intersection with State Route 97 to the Florida state line is dedicated as the Pauline Spearman Brinkley Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 78/State Route 10 Business over the Middle Oconee River in Clarke County is dedicated as the Officer Buddy Christian Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 76 at milepost 3.19 in Berrien County is dedicated as the 1st LT James H. Perry "Uncle Jim" Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on Lee Road over Interstate 20 in Douglas County is dedicated as the Captain Herb Emory Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 79 over Soap Creek in Lincoln County is dedicated as the Wayne J. Hawes Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 515 and Loving Road in Fannin County is dedicated as the Roy William Beaver Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the members of this body recognize the outstanding contributions of James C. Moore and dedicate the portion of U.S. 221 North from the city limits of Douglas to the West Green city limits as the James C. Moore Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 107 from the eastern city limit of Fitzgerald to the intersection with Eastside Church Road is dedicated as the Trooper James David Young Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of US 441/GA 24 from the northern city limit of Eatonton to the southern city limit of Madison is dedicated as the Trooper John Dixon Morris Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of Ga. 52 from its intersection with Rackley Road to the Dawson County line is dedicated as the Trooper Mack Allen Page Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of U.S. Route 80 at U.S. 441 Bypass in Laurens County is dedicated as the Tuskegee Airmen Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers Interchange.

BE IT FURTHER RESOLVED AND ENACTED that the southbound bridge on State Route 3 over Cedar Creek in Taylor County is dedicated as the MSG Reginald S. Carter, Sr., Memorial Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the portion of U.S. Route 441/State Route 117 in Laurens County from State Route 19 to U.S. Route 80 is dedicated as the Lieutenant Kelso Horne Memorial Highway.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of State Route 341 and Mission Ridge Road in Walker County is dedicated as the E-4 Roger Dorsey, United States Navy, Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the portion of new Cleveland Bypass from SR11/US129 at Donald E. Thurmond Drive extending northwest to SR11/US129 at Hulsey Road is dedicated as the Appalachian Parkway.

BE IT FURTHER RESOLVED AND ENACTED that the portion of State Route 306 from GA 400 to State Route 53 in Forsyth County is dedicated as the Frank L. Danchetz Highway.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on State Route 8/North Avenue over the Interstate 75/Interstate 85 Connector in Fulton County is dedicated as the Paul V. Liles, Jr., Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on the MARTA Indian Creek Station exit ramp to Interstate 285 southbound in DeKalb County is dedicated as the Senator Lawrence (Bud) Stumbaugh Bridge.

BE IT FURTHER RESOLVED AND ENACTED that the new flyover ramp on Interstate 85 at Georgia 400 is dedicated as the Captain Herb Emory Flyover Ramp.

BE IT FURTHER RESOLVED AND ENACTED that the intersection of Highway 78 and Rosebud Road in Gwinnett County is dedicated as Brooks-Foster Crossing.

BE IT FURTHER RESOLVED AND ENACTED that State Route 9 in Fulton County from its intersection with Peachtree Street to 14th Street is dedicated as the Gladys Knight Highway.

FURTHER RESOLVED AND ENACTED that the intersection of Interstate 985 and Mundy Mill Road is dedicated as the Loyd Strickland Memorial Intersection.

BE IT FURTHER RESOLVED AND ENACTED that the bridge on U.S. 280 over the Oconee River in Montgomery and Wheeler counties is dedicated as the Veterans Memorial Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House is authorized and directed to make appropriate copies of this resolution available for distribution to the Department of Transportation; Mr. Frank L. Danchetz; Mr. Paul V. Liles, Jr.; Senator Lawrence (Bud) Stumbaugh; Mrs. Runell "Nell" Brooks Foster; Ms. Gladys Maria Knight; and the families of Staff Sergeant Shaun J. Whitehead; Mr. Bill T. Hardman; Mr. William Love Walton; Mrs. Pauline Spearman Brinkley; Officer Elmer B. "Buddy" Christian; Mr. James Henning Perry; Captain Herb Emory; Mr. Wayne J. Hawes; Mr. Roy William Beaver; James C. Moore; Trooper James David Young; Trooper John Dixon Morris; Trooper Mack Allen Page; Tuskegee Airmen Major Herndon Cummings, Colonel John Whitehead, and Colonel Marion Rodgers; MSG Reginald S. Carter, Sr.; Lieutenant Kelso C. Horne; E-4 Roger Dorsey; and Mr. Loyd Strickland.

Representative Roberts of the 155th moved that the House agree to the Senate substitute to HR 36.

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

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

On the motion, the ayes were 167, nays 0.

The motion prevailed.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, APRIL 2, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

SB 76 "Motorcycle Mobility Safety Act"; safe operation of a motorcycle; inoperative traffic-control signal (Substitute)(PS&HS-Powell-32nd) Jackson-24th

SB 99 Conduct of Proceedings; reversal on appeal; judge expresses an opinion regarding proof in a criminal case; change provisions (Substitute) (JudyNC-Reeves-34th) Kennedy-18th (AM 29 2468)

SB 128 Corporations; directors and officers; enact reforms consistent with the Model Act; functions of a board of directors; change provisions (Substitute)(Judy-Willard-51st) Kennedy-18th (AM 29 2440)

SB 164 Education; provide for positive behavioral interventions and supports and response to intervention initiatives (Ed-Nix-69th) Jones-10th

Structured Rule

None

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

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

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

SB 76. By Senators Jackson of the 24th, Wilkinson of the 50th, Jones of the 25th, Bethel of the 54th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Code Section 40-6-20 of the Official Code of Georgia Annotated, relating to obedience to traffic-control devices, so as to provide for the safe operation of a motorcycle or lightweight motor vehicle through an inoperative traffic-control signal; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for definitions; to provide for the safe operation of a motorcycle or bicycle through an inoperative traffic-control signal; to require drivers of motor vehicles to stop at crosswalks with pedestrian-activated rectangular rapid flash beacons; to make it unlawful to activate such devices when there is no intent to cross a roadway; to remove provisions regarding height of handlebars; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Motorcycle Mobility Safety Act."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended in Code Section 40-1-1, relating to definitions, by adding a new paragraph to read as follows:

"(50.02) 'Rectangular rapid flash beacon' means user-activated amber light emitting diodes (LEDs) that supplement warning signals at unsignalized intersections or mid-block crosswalks. Such devices emit an irregular flash pattern and may be activated by pedestrians manually by a push button or passively by a pedestrian detection system. The term shall be interchangeable with LED rapid-flash system, stutter flash, or LED beacons."

SECTION 3.

Said title is further amended in Code Section 40-6-20, relating to obedience to traffic-control devices, by revising subsections (a) and (e) as follows:

"(a) The driver of any vehicle shall obey the instructions of an official traffic-control device applicable thereto, placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. A violation of this subsection shall be a misdemeanor, except as otherwise provided by paragraph (2) of subsection (e) and subsection (f) of this Code section."

"(e)(1) Except as provided for in paragraph (2) of this subsection, the ~~The~~ disregard or disobedience of the instructions of any official traffic-control device or signal placed in accordance with the provisions of this chapter by the driver of a vehicle shall be deemed prima-facie evidence of a violation of law, without requiring proof of who and by what authority such sign or device has been erected.

(2) If a driver has stopped pursuant to the instructions of a traffic-control device and has a reasonable belief that the traffic-control device or signal is inoperative due to the lightweight design of his or her motorcycle or bicycle, the driver may disregard or disobey the instructions of the traffic-control device or signal and proceed through the intersection, provided that:

(A) There is no other motor vehicle within 500 feet approaching or entering the same intersection from a different highway, or from the same highway approaching or entering the intersection from the opposite direction; and

(B) The driver cautiously proceeds through the intersection with reasonable care and consideration for all other applicable rules of the road.

Nothing in this paragraph shall restrict the permissibility of a driver to make a right turn as provided for in paragraph (3) of subsection (a) of Code Section 40-6-21.

(3) A driver who acts or purports to act pursuant to paragraph (2) of this subsection shall maintain the burden of proving that he or she acted in accordance with paragraph (2) of this subsection. Such driver's cause or proximate cause of an accident while acting or purporting to act pursuant to paragraph (2) of this subsection shall be prima-facie evidence that such driver did not exercise the requisite level of caution, care, or consideration required for compliance with the law.

(4) As used in this subsection, the term 'reasonable belief' means the belief of a reasonable person in consideration of the conditions of his or her stop, including but not limited to the number of seconds he or she has been stopped or the number of signal changes he or she has observed of the traffic-control device or signal which did not include a change of instruction to him or her."

SECTION 4.

Said title is further amended by revising Code Section 40-6-91, relating to right of way in crosswalks, as follows:

"40-6-91.

(a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching and is within one lane of the half of the roadway on which the vehicle is traveling or onto which it is turning. For the purposes of this subsection, 'half of the roadway' means all traffic lanes carrying traffic in one direction of travel.

(b) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within a crosswalk when an approved rectangular rapid flash beacon or similar device has been activated.

(c) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impractical for the driver to yield. No pedestrian shall manually activate or intentionally cause to be activated a rapid flash beacon or similar device at a crosswalk unless such person intends to cross a roadway.

~~(c)~~(d) Subsection (a) of this Code section shall not apply under the conditions stated in subsection (b) of Code Section 40-6-92.

~~(d)~~(e) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle."

SECTION 5.

Said title is further amended by revising Code Section 40-6-314, relating to footrests and handlebars, as follows:

"40-6-314.

~~(a)~~ Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

~~(b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator or with a backrest more commonly known as a sissy bar that is designed in such a way as to create a sharp point at its apex.~~"

SECTION 6.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 162, nays 5.

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

SB 164. By Senators Jones of the 10th, Henson of the 41st, Harbison of the 15th, Seay of the 34th and Davenport of the 44th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for positive behavioral interventions and supports and response to intervention initiatives; 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 Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
Y Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
E Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
E Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
E Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Harrell
Y Hatchett
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
E Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
N Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Rutledge
Y Rynders
N Scott
Y Setzler
Y Sharper
Y Shaw
Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
N Spencer
Y Stephens, M
Y Stephens, R
N Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
N Welch
Weldon
Y Werkheiser
N Wilkerson
Y Wilkinson
Y Willard
Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 157, nays 6.

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

The following Resolution of the House was taken up for the purpose of considering the Senate action thereon:

HR 395. By Representatives Greene of the 151st, Nix of the 69th, Pezold of the 133rd, Smith of the 134th, Smyre of the 135th and others:

A RESOLUTION creating the Joint Georgia-Alabama Study Committee; and for other purposes.

The following Senate substitute was read:

A RESOLUTION

Creating the Joint Georgia-Alabama Study Committee; and for other purposes.

WHEREAS, the General Assembly desires to promote cooperative working relationships between the State of Georgia and the State of Alabama, our neighbor to the west; and

WHEREAS, the General Assembly desires to foster and encourage good will between the states of Georgia and Alabama; and

WHEREAS, the General Assembly desires to provide a formal means for members of the Georgia House of Representatives, members of the Georgia Senate, and their counterparts from the State of Alabama to discuss and review issues that are common to both states and to seek common solutions to common problems.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

(1) **Creation of joint study committee.** There is created the Joint Georgia-Alabama Study Committee.

(2) **Members and officers.**

(A) The committee shall be composed of ten members.

(B) The Speaker of the House of Representatives shall appoint five members of the House of Representatives whose districts abut any part of the boundary between the State of Georgia and the State of Alabama as members of the committee and shall designate one of such members as cochairperson.

(C) The President of the Senate shall appoint five members of the Senate whose districts abut any part of the boundary between the State of Georgia and the State of Alabama as members of the committee and shall designate one of such members as cochairperson.

(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. To the

extent practical, the committee shall coordinate its efforts with its counterpart committee from the legislature of the State of Alabama.

(4) **Meetings.** The cochairpersons 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 annually 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 and Senate.

(6) **Report.**

(A) In the event the committee adopts any specific findings or recommendations that include suggestions for proposed legislation, the cochairpersons 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 cochairpersons 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 cochairpersons of the committee and filed with the Clerk of the House of Representatives and the Secretary of the Senate.

(D) In the absence of an approved report, the cochairpersons may file with the Clerk of the House of Representatives and the Secretary of the Senate copies of the minutes of the meetings of the committee in lieu thereof.

(7) **Abolishment.** The committee shall stand abolished on December 1, 2016.

Representative Greene of the 151st moved that the House agree to the Senate substitute to HR 395.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	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	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
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 motion, the ayes were 171, nays 0.

The motion prevailed.

Representative Strickland of the 111th moved that the following Bill of the Senate be withdrawn from the General Calendar and recommitted to the Committee on Rules:

SB 160. By Senators Williams of the 27th, Cowsert of the 46th, Harper of the 7th, Mullis of the 53rd, Jones of the 25th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding alcoholic beverages, so as to revise penalties for a violation of Code Section 3-3-23; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Strickland of the 111th asked unanimous consent to withdraw his motion.

It was so ordered.

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

HB 322. By Representatives Strickland of the 111th, Ramsey of the 72nd, Mabra of the 63rd, Frye of the 118th, Jones of the 62nd and others:

A BILL to be entitled an Act to amend Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to foreclosure, so as to provide for the recording of deeds under power within a certain time after a foreclosure sale; to provide for the assessment and collection of a late filing fee; to provide for the remittance of sums collected from such late filing fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to change and clarify provisions relating to the witnessing requisites of deeds, mortgages, and bills of sale; to provide a procedure for claiming certain United States savings bonds; to provide for the filing of deeds under power within a certain time after a foreclosure sale; to provide for the assessment and collection of a late filing fee; to provide for the remittance of sums collected from such late filing fees; 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 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising Code Section 44-5-30, relating to the requisites of deed to land, as follows:

"44-5-30.

Except for documents electronically filed as provided for in Chapter 12 of Title 10 and Part 1 of Article 1 of Chapter 2 of this title, a deed to lands shall be an original document, in writing, signed by the maker, ~~and~~ attested by ~~at least two witnesses~~ <u>an officer as provided in Code Section 44-2-15, and attested by one other witness</u>. It shall be delivered to the purchaser or his or her representative and be made on a good or valuable consideration. The consideration of a deed may always be inquired into when the principles of justice require it."

SECTION 2.

Said title is further amended by inserting two new Code sections, to read as follows:

"44-12-237.

(a) Notwithstanding the provisions of subsection (a) of Code Section 44-12-216, United States savings bonds which are unclaimed property and subject to the provisions of Code Section 44-12-190, et seq., the 'Disposition of Unclaimed Property Act,' shall escheat to the State of Georgia three years after becoming unclaimed property and subject to the provisions of Code Section 44-12-190, et seq., and all property rights to such United States savings bonds or proceeds from such bonds shall vest solely in the State of Georgia.

(b) If, within 180 days after the passage of three years pursuant to subsection (a) of this Code section, no claim has been filed in accordance with the provisions of Code Section 44-12-190, et seq., for such United States savings bonds, the commissioner shall commence a civil action in the Superior Court of Fulton County for a determination that such United States savings bonds shall escheat to the state. The commissioner may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the commissioner's custody to justify the expense of such proceedings.

(c) If no person shall file a claim or appear at the hearing to substantiate a claim or if the court shall determine that a claimant is not entitled to the property claimed, then the court, if satisfied by evidence that the commissioner has substantially complied with the laws of this state, shall enter a judgment that the subject United States savings bonds have escheated to the state.

(d) The commissioner shall redeem such United States savings bonds, and the proceeds shall be deposited in the state general fund in accordance with the provisions of Code Section 44-12-218.

44-12-238.

Any person making a claim for the United States savings bonds escheated to the state under Code Section 44-12-237, or for the proceeds from such bonds, may file a claim in accordance with the provisions of Code Section 44-12-190, et seq., the 'Disposition of Unclaimed Property Act.' Upon providing sufficient proof of the validity of such person's claim, the commissioner may pay such claim in accordance with the provisions of Code Section 44-12-190, et seq."

SECTION 3.

Said title is further amended by revising Code Section 44-14-33, relating to attestation or acknowledgment of mortgage, as follows:

"44-14-33.

In order to admit a mortgage to record, it ~~must be attested by or acknowledged before an officer as prescribed for the attestation or acknowledgment of deeds of bargain and sale; and, in the case of real property, a mortgage must also be attested or acknowledged by one additional witness~~ shall be signed by the maker, attested by an officer as provided in Code Section 44-2-15, and attested by one other witness. In the absence of fraud, if a mortgage is duly signed, witnessed, filed, recorded, and indexed

on the appropriate county land records, such recordation shall be deemed constructive notice to subsequent bona fide purchasers."

SECTION 4.

Said title is further amended by revising Code Section 44-14-34, relating to attestation and acknowledgment or probation of mortgages executed outside of this state, as follows:

"44-14-34.

When executed outside this state, mortgages ~~may be attested, acknowledged, or probated in the same manner as deeds of bargain and sale~~ shall be signed by the maker, attested by an officer as provided in Code Section 44-2-15, and attested by one other witness."

SECTION 5.

Said title is further amended by revising Code Section 44-14-37, relating to the effect of the failure to record a mortgage, as follows:

"44-14-37.

~~The effect of a failure to record a mortgage shall be the same as the effect of a failure to record a deed of bargain and sale~~ Reserved."

SECTION 6.

Said title is further amended by revising Code Section 44-14-61, relating to attestation of deeds to secure debt and bills of sale, generally, as follows:

"44-14-61.

In order to admit deeds to secure debt or bills of sale to secure debt to record, they shall be ~~attested or proved in the manner prescribed by law for mortgages~~ signed by the maker, attested by an officer as provided in Code Section 44-2-15, and attested by one other witness."

SECTION 7.

Said title is further amended by revising Code Section 44-14-62, relating to attestation of deeds to secure debt and bills of sale executed outside of this state, as follows:

"44-14-62.

When executed ~~out of~~ outside this state, deeds to secure debt and bills of sale ~~may be attested, acknowledged, or probated in the same manner as deeds of bargain and sale~~ to secure debt shall be signed by the maker, attested by an officer as provided in Code Section 44-2-15, and attested by one other witness."

SECTION 8.

Said title is further amended by revising subsection (a) of Code Section 44-14-63, relating to recording of deeds to secure debt and bills of sale to secure debt, as follows:

"(a) Every deed to secure debt shall be recorded in the county where the land conveyed is located. Every bill of sale to secure debt shall be recorded in the county where the maker, if a resident of this state, resided at the time of its execution and, if a

nonresident, in the county where the personalty conveyed is located. Deeds to secure debt or bills of sale to secure debt not recorded shall remain valid against the persons executing them. ~~The effect of the failure to record deeds and bills of sale shall be the same as the effect of the failure to record a deed of bargain and sale.~~"

SECTION 9.

Said title is further amended by revising Code Section 44-14-160, relating to recording of foreclosure sales and deeds under power, as follows:

"44-14-160.

(a) Within 90 days of a foreclosure sale, all deeds under power shall be ~~recorded~~ filed by the holder of a deed to secure debt or a mortgage with the clerk of the superior court of the county or counties in which the foreclosed property is located. The clerk shall ~~write in the margin of the page where~~ record and cross reference the deed under power to the deed to secure debt or mortgage foreclosed upon ~~is recorded the word 'foreclosed' and the deed book and page number on which is recorded the deed under power conveying the real property; provided, however, that, in counties where the clerk keeps the records affecting real estate on microfilm, the notation provided for in this Code section shall be made in the same manner in the index or other place where the clerk records transfers and cancellations of deeds to secure debt~~. The deed under power shall be indexed pursuant to standards promulgated by the Georgia Superior Court Clerks' Cooperative Authority.

(b) In the event the deed under power is not filed within 30 days after the time period set forth in subsection (a) of this Code section, the holder shall be required to pay a late filing penalty of $500.00 upon filing in addition to the required filing fees provided for in subsection (f) of Code Section 15-66-77. Such late filing penalty shall be collected by the clerk of the superior court before filing.

(c) The sums collected as a late filing penalty under subsection (b) of this Code section shall be remitted to the governing authority of the county. If the foreclosed property is located within a municipality, the governing authority of the county shall remit the late filing penalty for such property to the governing authority of such municipality within 30 days of its receipt of the penalty. For each late filing penalty for property located within the corporate limits of a municipality, the governing authority of the county may withhold a 5 percent administrative processing fee from the remittance to such municipality."

SECTION 10.

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

Representative Strickland of the 111th moved that the House agree to the Senate substitute to HB 322.

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

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

On the motion, the ayes were 170, nays 0.

The motion prevailed.

HB 209. By Representatives Cantrell of the 22nd, Teasley of the 37th, Casas of the 107th, Evans of the 42nd, Stovall of the 74th and others:

A BILL to be entitled an Act to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Georgia Special Needs Scholarship Act," so as to revise the prior school year attendance requirement to the prior semester; to revise provisions relating to notification of parents of eligible students as to scholarship options; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Georgia Special Needs Scholarship Act," so as to revise provisions relating to notification of parents of eligible students as to scholarship options; 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 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Georgia Special Needs Scholarship Act," is amended revising subsection (a) of Code Section 20-2-2113, relating to annual notification of options available to parents of special needs students, as follows:

"(a) The resident school system shall provide specific written notice of the options available under this article to the parent at the initial Individualized Education Program (IEP) meeting in which a disability of the parent's child is identified. Thereafter, the ~~The~~ resident school system shall annually notify prior to the beginning of each school year the parent of a student with a disability by letter, electronic means, or by such other reasonable means in a timely manner of the options available to the parent under this article."

SECTION 2.

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

Representative Cantrell of the 22nd moved that the House agree to the Senate substitute to HB 209.

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

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

N Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	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 motion, the ayes were 165, nays 4.

The motion prevailed.

HB 461. By Representatives Shaw of the 176th, Strickland of the 111th, Stephens of the 165th, Maxwell of the 17th, Watson of the 172nd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers, so as to change certain provisions relating to the buying and selling of regulated metal property; to provide for and change certain definitions; to change certain provisions relating to verifiable documentation required; to provide for certain restrictions on the purchase of catalytic converters by secondary metals recyclers; to change certain provisions relating to requirements for purchase of burial objects; to change certain provisions relating to records of transactions, false

statements in required affidavits, and penalty for making a false statement in execution of affidavit; to provide an exemption for used motor vehicle dealers and used motor vehicle parts dealers under certain circumstances; to change certain provisions relating to required information from secondary metals recyclers and role of the Georgia Bureau of Investigation; to provide for the information maintained in data base established by the Georgia Bureau of Investigation to be considered a trade secret and exempt from disclosure; to provide access to such data base by certain employees; to limit the use of the data base by such employees to certain purposes; to provide for penalties; to provide for the promulgation of certain rules and regulations by the Georgia Bureau of Investigation; to provide for applicability; 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 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers, is amended by revising Code Section 10-1-350, relating to definitions, as follows:

"10-1-350.

As used in this article, the term:

(1) 'Aluminum property' means aluminum forms designed to shape concrete.

(2) 'Burial object' means any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.

(3) 'Business license' means a business license, an occupational tax certificate, and other document required by a county or municipal corporation and issued by the appropriate agency of such county or municipal corporation to engage in a profession or business.

~~(3)~~(4) 'Coil' means any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.

~~(4)~~(5) ' Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

~~(5)~~(6) 'Deliverer' means any individual who takes or transports the regulated metal property to the secondary metals recycler.

~~(6)~~(7) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

~~(7)~~(8) 'Law enforcement officer' means any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

~~(8)~~(9) 'Nonferrous metals' means stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

~~(9)~~(10) 'Person' means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

~~(10)~~(11) 'Personal identification card' means a current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or a current work authorization issued by the federal government, which shall contain the individual's name, address, and photograph.

~~(11)~~(12) 'Purchase transaction' means a transaction in which the secondary metals recycler gives consideration in exchange for regulated metal property.

~~(12)~~(13) 'Regulated metal property' means any item composed primarily of any ferrous metals or nonferrous metals and includes aluminum property, copper property, and catalytic converters but shall not include ~~batteries,~~ aluminum beverage containers, used beverage containers, or similar beverage containers.

~~(13)~~(14) 'Secondary metals recycler' means any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

~~(14)~~(15) 'Seller' means the rightful owner of the regulated metal property or the individual authorized by the rightful owner of the regulated metal property to conduct the purchase transaction."

SECTION 2.

Said article is further amended by revising Code Section 10-1-351, relating to verifiable documentation required, as follows:

"10-1-351.

(a) No secondary metals recycler shall purchase any coil unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 ~~who~~ or by another state that provides a copy of ~~his or her~~ such valid license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A seller with verifiable documentation, such as a receipt or work order, indicating that ~~the coils are~~ such coil is the result of a replacement of condenser coils or a heating or air-conditioning system performed by a contractor licensed pursuant to Chapter 14 of Title 43; or

(3) A secondary metals recycler who provides ~~the documentation required in paragraphs (1) and (2) of this subsection received from a contractor or seller~~ proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such coil was

provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.

(b) No secondary metals recycler shall purchase any copper wire which appears to have been exposed to heat, charred, or burned in an attempt to remove insulation surrounding it unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 ~~who~~ or by another state that provides a copy of ~~his or her~~ such valid license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A seller with a copy of a police report showing that such seller's real property was involved in a fire; or

(3) A secondary metals recycler who provides ~~the documentation required in paragraphs (1) and (2) of this subsection received from a contractor or seller~~ proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such copper wire was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.

(c) No secondary metals recycler shall purchase a catalytic converter unless such catalytic converter is:

(1) Attached to a vehicle; or

(2) Purchased from:

(A) A used motor vehicle dealer or used motor vehicle parts dealer licensed pursuant to Chapter 47 of Title 43 or by another state that provides a copy of such valid license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(B) A new motor vehicle dealer that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

(C) A motor vehicle repairer that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

(D) A manufacturer or distributor of catalytic converters that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

(E) A seller with:

(i) Verifiable documentation, such as a receipt or work order, indicating that the catalytic converter is the result of a replacement of a catalytic converter performed by a used motor vehicle dealer, new motor vehicle dealer, or motor vehicle

repairer. Such documentation shall include a notation as to the make, model, and year of the vehicle in which such catalytic converter was replaced; and

(ii) A copy of a certificate of title or registration showing ownership of or interest in the vehicle in which the catalytic converter was replaced; or

(F) A secondary metals recycler who provides proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such catalytic converter was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5."

SECTION 3.

Said article is further amended by revising Code Section 10-1-352, relating to requirements for purchase of burial objects, as follows:

"10-1-352.

No secondary metals recycler shall purchase a burial object unless it is purchased from:

(1) A funeral director licensed ~~under the provisions of~~ pursuant to Chapter 18 of Title 43 or by another state who provides a copy of his or her valid license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A cemetery owner registered pursuant to Code Section 10-14-4 or with another state ~~who~~ that provides a copy of ~~his or her~~ such valid registration at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied registration is on file with the secondary metals recycler;

(3) A manufacturer or distributor of burial objects ~~who~~ that provides a copy of ~~his or her~~ a valid business license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler ~~and a letter from the owner or operator of the manufacturing or distributing business expressly recognizing the seller as an employee or authorized agent of the manufacturer or distributor or whose scanned or photocopied business license and letter are on file with the secondary metals recycler~~;

(4) A seller with verifiable documentation, such as a receipt from or contract with a licensed funeral director, registered cemetery owner, or manufacturer or distributor of burial objects, evidencing that such person is the rightful owner of the burial object; or

(5) A secondary metals recycler who provides ~~the documentation required in paragraphs (1) through (4) of this Code section received from a funeral director, cemetery owner, manufacturer or distributor of burial objects, or a seller~~ proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such burial object was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5."

SECTION 4.

Said article is further amended by revising Code Section 10-1-353, relating to record of transaction, false statements in required affidavits transactions, and penalty for making false statement in execution of affidavit, as follows:

"10-1-353.

(a) ~~A~~ Except as provided in subsection (c), a secondary metals recycler shall maintain a legible record of all purchase transactions. Such record shall include the following information:

(1) The name and address of the secondary metals recycler;

(2) The date of the transaction;

(3) The weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For purposes of this paragraph, the term 'type of regulated metal property' shall include a general physical description, such as wire, tubing, extrusions, or castings;

(4) A digital photograph or photographs or a digital video image or images of the regulated metal property which shows the regulated metal property in a reasonably clear manner;

(5) The amount of consideration given in a purchase transaction for the regulated metal property and a copy of the check or voucher or documentation evidencing the electronic funds transfer given as consideration for such purchase transaction;

(6) A signed ~~and sworn affidavit~~ statement from the seller stating that such person is the rightful owner of the regulated metal property or has been authorized to sell the regulated metal property being sold;

(7) A signed ~~and sworn affidavit~~ statement from the seller stating that he or she understands that: 'A secondary metals recycler is any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value. No ferrous metals, nonferrous metals, aluminum property, copper property, or catalytic converters ~~(batteries, aluminum~~ (aluminum beverage containers, used beverage containers, or similar beverage containers are exempt) may be purchased by a secondary metals recycler unless such secondary metals recycler is ~~a holder of a valid permit issued~~ registered pursuant to Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

(8) A scanned or photocopied copy of a valid personal identification card of the seller and of the deliverer, if such person is different from the seller;

(9) The type of and distinctive number from the personal identification card of the seller and of the deliverer, if such person is different from the seller;

(10) The name and date of birth of the seller and of the deliverer, if such person is different from the seller;

~~(9)~~(11) A photograph, videotape, or digital recording depicting a recognizable facial image of the seller and of the deliverer, if such person is different from the seller, employing technology allowing the image to be retained in electronic storage and in a transferable format;

~~(10) The distinctive number from, and type of, the personal identification card of the seller and the deliverer, if such person is different from the seller;~~

~~(11)~~(12) The vehicle license tag number or vehicle identification number, state of issue, and the ~~type of vehicle, if available,~~ make, model, and color of the vehicle used to deliver the regulated metal property to the secondary metals recycler~~. For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup truck, van, or truck~~; and

~~(12)~~(13) A scanned or photocopied copy of the verifiable documentation, reports, licenses, certificates, and registrations~~,~~ required pursuant to Code Sections 10-1-351 and 10-1-352.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction.

(c) ~~When the metal being purchased is a motor vehicle, the seller shall either provide the title to such motor vehicle or fully execute a statement on a form as promulgated by the Department of Revenue in accordance with Code Section 40-3-36. The secondary metals recycler shall forward the title or form to the Department of Revenue within 72 hours of receipt of the title or form.~~ When the regulated metal property being purchased is a vehicle, the secondary metals recycler shall:

(1) If Code Section 40-3-36 is applicable, purchase such vehicle in compliance with such Code section and shall not be required to maintain a record of the purchase transaction as provided in subsection (a) of this Code section or to provide such record to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5; or

(2) If Code Section 40-3-36 is not applicable, maintain a record of such purchase transaction as provided in subsection (a) of this Code section and provide such record to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.

(d) ~~It shall be unlawful to make a false statement in executing the affidavit required by either paragraph (6) or (7) of subsection (a) of this Code section, and the making of a false statement shall be punishable as an act of false swearing under Code Section 16-10-71.~~ It shall be a violation of this article to sign the statement required by either paragraph (6) or (7) of subsection (a) of this Code section knowing it to be false, and such violation shall subject the seller to the civil and criminal liability provided in Code Section 10-1-359.2."

SECTION 5.

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

"10-1-358.1.

The provisions of this article shall not apply to a vehicle purchased in compliance with Code Section 40-3-36 by a used motor vehicle dealer or used motor vehicle parts dealer licensed pursuant Chapter 47 of Title 43."

SECTION 6.

Said article is further amended by revising Code Section 10-1-359.5, relating to required information from secondary metals recyclers and role of the Georgia Bureau of Investigation, as follows:

"10-1-359.5.

(a) Each secondary metals recycler shall provide to the Georgia Bureau of Investigation or its designee for each purchase transaction which takes place on or after July 1, 2015, all of the information required by subsection (a) of Code Section 10-1-353, ~~for each transaction,~~ except for the amount of consideration given in a purchase transaction for the regulated metal property specified in paragraph (5) of subsection (a) of such Code section~~, to the Georgia Bureau of Investigation~~. A secondary metals recycler who maintains on file with the Georgia Bureau of Investigation or its designee a copy of the statement forms such secondary metals recycler requires each seller to sign pursuant to paragraphs (6) and (7) of subsection (a) of Code Section 10-1-353 may satisfy the requirements of such paragraphs by providing to the Georgia Bureau of Investigation or its designee a copy of the individual seller's signature and shall not be required to provide the actual statement signed by each seller, provided the actual statements are maintained by the secondary metals recycler pursuant to subsection (b) of Code Section 10-1-353 and available for inspection pursuant to Code Section 10-1-354. The information required to be provided by the secondary metals recyclers to the Georgia Bureau of Investigation or its designee pursuant to this subsection shall be provided electronically.

(b) The Georgia Bureau of Investigation or its designee shall establish and maintain a data base of all information required to be provided pursuant to subsection (a) of this Code section. Such information shall be considered to be a trade secret and shall be exempt from disclosure under the provisions of Article 4 of Chapter 18 of Title 50; provided, however, that such exemption shall not relieve the secondary metals recycler of the obligation or requirement to provide such information to the Georgia Bureau of Investigation or its designee.

(c) The data base shall be accessible and searchable by:

(1) All ~~all~~ law enforcement agencies in this state; and

(2) Employees of electric suppliers, as defined in Code Section 46-3-3, and employees of telecommunications companies, as defined in Code Section 46-5-162, provided that such employees have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

(d)(1) It shall be unlawful to use the data base established pursuant to subsection (b) of this Code section for any purpose other than the investigation of an alleged crime.

(2) Any person who violates or conspires to violate paragraph (1) of this subsection shall be guilty of a felony and, upon conviction, shall receive the following punishment:

(A) Upon a first conviction, imprisonment for not less than one nor more than five years or a fine of not more than $5,000.00, or both; or

(B) Upon a second or subsequent conviction, imprisonment for not less than five nor more than ten years or a fine of not more than $40,000.00, or both.

(e) The Georgia Bureau of Investigation shall promulgate rules and regulations and establish procedures necessary to carry into effect, implement, and enforce the provisions of this Code section and ensure compliance with applicable federal and state laws. Such rules and regulations shall include, but shall not be limited to:~~,~~

(1) The ~~the~~ time, manner, and method of the transmittal of the information by the secondary metals recyclers to the Georgia Bureau of Investigation;

(2) The manner and method by which employees of electric suppliers and telecommunications companies may access and search the data base and any prerequisites thereto; and

(3) The specific information the employees of the electric suppliers and telecommunications companies may access and search within the data base."

SECTION 7.

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

Representative Shaw of the 176th moved that the House agree to the Senate substitute to HB 461.

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

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

N Brooks	Y Ehrhart	N Jones, L	N Quick	N Thomas, A.M.
N Bruce	Y England	Y Jones, S	Y Raffensperger	Thomas, E
N Bryant	Y Epps	Y Jordan	Y Rakestraw	N Trammell
Y Buckner	N Evans	N Kaiser	Y Ramsey	N Turner
Y Burns	E Fleming	Y Kelley	Y Randall	N Waites
Y Caldwell, J	N Floyd	N Kendrick	Y Reeves	Y Watson
N Caldwell, M	N Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	N Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	N Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	N Gardner	Y LaRiccia	Y Rogers, C	N Wilkerson
Y Casas	N 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
N Clark, H	N Gordon	Y Maxwell	N Setzler	N Williams, E
Y Clark, V	N 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 121, nays 51.

The motion prevailed.

Representative Strickland of the 111th moved that the following Bill of the Senate be withdrawn from the General Calendar and recommitted to the Committee on Rules:

SB 160. By Senators Williams of the 27th, Cowsert of the 46th, Harper of the 7th, Mullis of the 53rd, Jones of the 25th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding alcoholic beverages, so as to revise penalties for a violation of Code Section 3-3-23; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

HB 185. By Representatives Shaw of the 176th, Efstration of the 104th, Taylor of the 173rd, Smith of the 134th, Williamson of the 115th and others:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to extensively revise the "Standard Valuation Law"; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to extensively revise the "Standard Valuation Law"; to provide for definitions; to provide for reserve valuation; to provide for actuarial opinion of reserves; to provide for computation of minimum standard; to provide for computation of minimum standard for annuities; to provide for computation of minimum standard by calendar year of issue; to provide for reserve valuation method for life insurance and endowment benefits; to provide for reserve valuation method of annuity and pure endowment benefits; to provide for minimum reserves; to provide for optional reserve calculations; to provide for reserve calculation for valuation of net premium exceeding the gross premium charged; to provide for reserve calculation of indeterminate premium plans; to provide for minimum standards for accident and health insurance contracts; to provide for valuation manual for policies issued on or after the operative date of the valuation manual; to provide for requirements of a principle-based valuation; to provide for experience reporting for polices in force on or after the operative date of the valuation manual; to provide for confidentiality; to provide for single state exemption; to provide a short title; to define certain terms; to provide for reorganization of mutual insurers and formation of mutual insurance holding companies; to provide that capital stock of the reorganized stock insurer shall be issued to the mutual insurance holding company or to an intermediate stock holding company; to provide for the requirements of any reorganization plan; to provide for mergers of mutual insurers or other entities with mutual insurance holding companies; to provide that capital stock of the merged insurer shall be issued to the mutual insurance holding company or to an intermediate stock holding company; to provide for approval of the reorganization plan or merger plan by the Commissioner of Insurance; to provide for domestication of foreign mutual insurers; to provide for applicability of certain provisions and dissolution and liquidation; to provide for demutualization of mutual insurance holding companies; to provide that certain membership interests shall not be deemed securities; to provide restrictions on voting stock of reorganized stock insurers; to provide for approval of any reorganization plan or merger plan by policyholders; to provide for powers of mutual insurance holding companies and restrictions on voting stock; to provide that the formation of a mutual insurance holding company shall not increase the Georgia tax burden of the mutual insurance holding company system; 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 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by repealing in its entirety Code Section 33-10-13, relating to the valuation of reserves, and by enacting a new Code Section 33-10-13 to read as follows:

"33-10-13.

(a) This Code section shall be known and may be cited as the 'Standard Valuation Law.'

(b) For the purposes of this Code section, the following definitions shall apply on or after the operative date of the valuation manual:

(1) The term 'accident and health insurance' means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

(2) The term 'appointed actuary' means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in paragraph (2) of subsection (d) of this Code section.

(3) The term 'company' means an entity, which (a) has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this State and has at least one such policy in force or on claim or (b) has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in this State.

(4) The term 'deposit-type contract' means contracts that do not incorporate mortality or morbidity risks and as may be specified in the valuation manual.

(5) The term 'life insurance' means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

(6) The term 'NAIC' means the National Association of Insurance Commissioners.

(7) The term 'policyholder behavior' means any action a policyholder, contract holder, or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this Code section, including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

(8) The term 'principle-based valuation' means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with subsection (p) of this Code section as specified in the valuation manual.

(9) The term 'qualified actuary' means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirements specified in the valuation manual.

(10) The term 'tail risk' means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.
(11) The term 'valuation manual' means the manual of valuation instructions adopted by the NAIC as specified in this Code section or as subsequently amended.

(c)(1)(A) The Commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in this state issued on or after January 1, 1966, and prior to the operative date of the valuation manual. In calculating reserves, the Commissioner may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves required of a foreign or alien company, the Commissioner may accept a valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this Code section.

(B) The provisions set forth in subsections (e) through (n) of this Code section shall apply to all policies and contracts, as appropriate, subject to this Code section issued on or after January 1, 1966, and prior to the operative date of the valuation manual and the provisions set forth in subsections (o) and (p) of this Code section shall not apply to any such policies and contracts.

(C) The minimum standard for the valuation of such policies and contracts issued prior to January 1, 1966, shall be as required under the laws in effect immediately prior to January 1, 1966, or the minimum provided in subsection (e) of this Code section if less.

(2)(A) The Commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the valuation manual. In lieu of the valuation of the reserves required of a foreign or alien company, the Commissioner may accept a valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this Code section.

(B) The provisions set forth in subsections (o) and (p) of this Code section shall apply to all policies and contracts issued on or after the operative date of the valuation manual.

(d)(1)(A) Prior to the operative date of the valuation manual, every life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commissioner by regulation are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The Commissioner shall define by regulation the specifics of this opinion and add any other items deemed to be necessary to its scope.

(B)(i) Every life insurance company, except as exempted by regulation, shall also annually include in the opinion required by subparagraph (A) of this paragraph, an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commissioner by regulation, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

(ii) The Commissioner may provide by regulation for a transition period for establishing any higher reserves that the qualified actuary may deem necessary in order to render the opinion required by this subsection.

(C) Each opinion required by subparagraph (B) of this paragraph shall be governed by the following provisions:

(i) A memorandum, in form and substance acceptable to the Commissioner as specified by regulation, shall be prepared to support each actuarial opinion; and

(ii) If the insurance company fails to provide a supporting memorandum at the request of the Commissioner within a period specified by regulation or the Commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the regulations or is otherwise unacceptable to the Commissioner, the Commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the Commissioner.

(D) Every opinion required by this subsection shall be governed by the following provisions:

(i) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after December 31, 1994;

(ii) The opinion shall apply to all business in force including individual and group health insurance plans, in form and substance acceptable to the Commissioner as specified by regulation;

(iii) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board and on such additional standards as the Commissioner may by regulation prescribe;

(iv) In the case of an opinion required to be submitted by a foreign or alien company, the Commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the Commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state;

(v) For the purposes of this subsection, the term 'qualified actuary' means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in the regulation;

(vi) Except in cases of fraud or willful misconduct, the qualified actuary shall not be liable for damages to any person, other than the insurance company and the Commissioner, for any act, error, omission, decision or conduct with respect to the actuary's opinion;

(vii) Disciplinary action by the Commissioner against the company or the qualified actuary shall be defined in regulations by the Commissioner;

(viii) Except as provided in divisions (xii), (xiii), and (xiv) of this subparagraph, documents, materials, or other information in the possession or control of the department that are a memorandum in support of the opinion, and any other material provided by the company to the Commissioner in connection with the memorandum, shall be confidential by law and privileged, shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties;

(ix) Neither the Commissioner nor any person who received documents, materials, or other information while acting under the authority of the Commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to division (viii) of this subparagraph;

(x) In order to assist in the performance of the Commissioner's duties, the Commissioner:

(I) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to division (viii) of this subparagraph with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, materials, or other information;

(II) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the National Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(III) May enter into agreements governing sharing and use of information consistent with divisions (viii) through (x) of this subparagraph;

(xi) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commissioner under this subsection or as a result of sharing as authorized in division (x) of this subparagraph;

(xii) A memorandum in support of the opinion, and any other material provided by the company to the Commissioner in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this subsection or by regulations promulgated hereunder;

(xiii) The memorandum or other material may otherwise be released by the Commissioner with the written consent of the company or to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the Commissioner for preserving the confidentiality of the memorandum or other material; and

(xiv) Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum shall be no longer confidential.

(2)(A) On and after the operative date of the valuation manual, every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this state and subject to regulation by the Commissioner shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The valuation manual will prescribe the specifics of this opinion including any items deemed to be necessary to its scope.

(B) Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this state and subject to regulation by the Commissioner, except as exempted in the valuation manual, shall also annually include in the opinion required by subparagraph (A) of this paragraph, an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

(C) Each opinion required by subparagraph (B) of paragraph (2) of this subsection shall be governed by the following provisions:

(i) A memorandum, in form and substance as specified in the valuation manual, and acceptable to the Commissioner, shall be prepared to support each actuarial opinion; and

(ii) If the insurance company fails to provide a supporting memorandum at the request of the Commissioner within a period specified in the valuation manual or the Commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the Commissioner, the Commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the Commissioner.

(D) Every opinion required by paragraph (2) of this subsection shall be governed by the following provisions:

(i) The opinion shall be in form and substance as specified in the valuation manual and acceptable to the Commissioner;

(ii) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual;

(iii) The opinion shall apply to all policies and contracts subject to subparagraph (B) of paragraph (2) of this subsection, plus other actuarial liabilities as may be specified in the valuation manual;

(iv) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board or its successor, and on such additional standards as may be prescribed in the valuation manual;

(v) In the case of an opinion required to be submitted by a foreign or alien company, the Commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the Commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state;

(vi) Except in cases of fraud or willful misconduct, the appointed actuary shall not be liable for damages to any person, other than the insurance company and the Commissioner, for any act, error, omission, decision or conduct with respect to the appointed actuary's opinion; and

(vii) Disciplinary action by the Commissioner against the company or the appointed actuary shall be defined in regulations by the Commissioner.

(e)(1) Except as otherwise provided in paragraph (2) of this subsection and subsection (f) of this Code section, the minimum standards for the valuation of all life insurance policies and annuity or pure endowment contracts issued on or after January 1, 1966, shall be the Commissioner's reserve valuation methods defined in subsections (g), (h), and (i) of this Code section and the following interest rates and tables:

(A) Three and one-half percent interest or, in the case of policies and contracts other than annuity and pure endowment contracts issued on or after July 1, 1973, 4 percent interest for such policies issued prior to July 1, 1979, 5 1/2 percent interest for single premium life insurance policies, and 4 1/2 percent interest for all other such policies issued on or after July 1, 1979;

(B) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1958 Standard Ordinary Mortality Tables for such policies issued prior to the operative date of subsection (e) of Code Section 33-25-4 as amended, except that for any category of such policies issued on female risk modified net premiums and present values, referred to in subsection (g) of this Code section, may be calculated at the insurer's option and with the Commissioner's approval according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of subsection (e) of Code Section 33-25-4, (i) the Commissioners 1980 Standard Ordinary Mortality Table or, (ii) at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors, or (iii) any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such policies;

(C) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 Standard Industrial Mortality Table; for such policies issued prior to the date on which the Commissioners 1961 Standard Industrial Mortality Table becomes applicable in accordance with subsection (d) of Code Section 33-25-4 and for such policies issued on or after such date the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such policies;

(D) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, ultimate, or any modification of either of these tables approved by the Commissioner;

(E) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the Group Annuity Mortality Table for 1951, any modification of such table approved by the Commissioner or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;

(F) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the

tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such policies; for policies or contracts issued prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies;

(G) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such policies; for policies issued prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies; and

(H) For group life insurance, life insurance issued on the substandard basis, and other special benefits such tables or appropriate modifications of such tables as may be approved by the Commissioner as being sufficient with relation to the benefits provided by those policies.

(2) Except as provided in paragraphs (3) through (7) of this subsection, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this paragraph, as defined in this paragraph, and for all annuities and pure endowments purchased on or after the operative date under group annuity and pure endowment contracts, shall be the Commissioner's reserve valuation methods defined in subsections (g) and (h) of this Code section and the following tables and interest rates:

(A) For individual annuity and pure endowment contracts issued prior to July 1, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table or any modification of this table approved by the Commissioner and 6 percent interest for single premium immediate annuity contracts and 4 percent interest for all other individual annuity and pure endowment contracts;

(B) For individual single premium immediate annuity contracts issued on or after July 1, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such contracts or any modification of these tables approved by the Commissioner and 7 1/2 percent interest;

(C) For individual annuity and pure endowment contracts issued on or after July 1, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such contracts or any modification of these tables approved by the Commissioner and 5 1/2 percent interest for single premium deferred annuity and pure endowment contracts and 4 1/2 percent interest for all other such individual annuity and pure endowment contracts;

(D) For all annuities and pure endowments purchased prior to July 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table or any modification of this table approved by the Commissioner and 6 percent interest; and

(E) For all annuities and pure endowments purchased on or after July 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table or any group annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments or any modification of these tables approved by the Commissioner and 7 1/2 percent interest.

After July 1, 1973, any insurer may file with the Commissioner a written notice of its election to comply with this paragraph after a specified date before January 1, 1979, which shall be the operative date of this paragraph for such insurer, provided that if an insurer makes no such election, the operative date of this paragraph for such insurer shall be January 1, 1979.

(f)(1) The interest rates used in determining the minimum standard for the valuation of:

(A) All life insurance policies issued in a particular calendar year, on or after the operative date of subsection (e) of Code Section 33-25-4;

(B) All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1994;

(C) All annuities and pure endowments purchased in a particular calendar year on or after January 1, 1994, under group annuity and pure endowment contracts; and

(D) The net increase, if any, in a particular calendar year after January 1, 1994, in amounts held under guaranteed interest contracts shall be the calendar year statutory valuation interest rates as defined in paragraphs (2) through (5) of this subsection.

(2) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one-quarter of 1 percent:

(A) For life insurance:

$I = .03 + W(R1 - .03) + 1/2\ W(R2 - .09)$;

(B) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

I = .03 + W(R - .03)

where R1 is the lesser of R and .09, R2 is the greater of R and .09, R is the reference interest rate defined in paragraph (4) of this subsection, and W is the weighting factor defined in paragraph (3) of this subsection;

(C) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in subparagraph (B) of this paragraph, the formula for life insurance stated in subparagraph (A) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in subparagraph (B) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less;

(D) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in subparagraph (B) of this paragraph shall apply;

(E) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in subparagraph (B) of this paragraph shall apply;

However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of 1 percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980 (using the reference interest rate defined for 1979) and shall be determined for each subsequent calendar year regardless of when subsection (e) of Code Section 33-25-4 becomes operative.

(3) The weighting factors referred to in the formulas stated above are given in the following tables:

(A) Weighting Factors for Life Insurance:

Guarantee Duration Years	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45

More than 20 .35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

(B) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options: .80;

(C) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph (B) of this paragraph, shall be as specified in Tables I, II, and III of this subparagraph, according to the rules and definitions in IV, V, and VI of this subparagraph:

I. For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration (Years)	Weighting Factor for Plan Type A	B	C
5 or less:	.80	.60	.50
More than 5, but not more than 10:	.75	.60	.50
More than 10, but not more than 20:	.65	.50	.45
More than 20:	.45	.35	.35

II. For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in Table I increased by:

Plan Type A	B	C
.15	.25	.05

III. For annuities and guaranteed interest contracts valued on an issue year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in Table I or derived in Table II increased by:

Plan Type A	B	C
.05	.05	.05

IV. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of 20 years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence;

V. Plan type as used in the above tables is defined as follows:

Plan Type A: At any time policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or (2) without such adjustment but in installments over five years or more, or (3) as an immediate life annuity, or (4) no withdrawal permitted;

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only (1) with adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or (2) without such adjustment but in installments over five years or more, or (3) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years;

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either (1) without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund;

VI. An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this subsection, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(4) The reference interest rate referred to in paragraph (2) of this subsection shall be defined as follows:

(A) For all life insurance, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year next

preceding the year of issue, of Moody's Corporate Bond Yield Average — Monthly Average Corporates, as published in Moody's Investors Service, Inc.;

(B) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or year of purchase, of Moody's Corporate Bond Yield Average — Monthly Average Corporates, as published by Moody's Investors Service, Inc.;

(C) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subparagraph (B) of this paragraph, with guarantee duration in excess of ten years, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average — Monthly Average Corporates, as published by Moody's Investors Service, Inc.;

(D) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subparagraph (B) of this paragraph, with guarantee duration of ten years or less, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average — Monthly Average Corporates, as published by Moody's Investors Service, Inc.;

(E) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average — Monthly Average Corporates, as published by Moody's Investors Service, Inc.; and

(F) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in subparagraph (B) of this paragraph, the average over a period of 12 months, ending on June 30 of the calendar year of the change in the fund, of Moody's Corporate Bond Yield Average — Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(5) In the event that Moody's Corporate Bond Yield Average — Monthly Average Corporates is no longer published by Moody's Investors Service, Inc., or, in the event that the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average — Monthly Average Corporates as published by Moody's Investors Service, Inc., is no longer appropriate for the determination of the reference interest rate, then the alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners and approved by regulation promulgated by the Commissioner, may be substituted.

(g)(1) Except as otherwise provided in subsections (l) and (n) of this Code section, reserves according to the Commissioner's reserve valuation method, for the life

insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value at the date of valuation of the future guaranteed benefits provided for by the policies over the then present value of any future modified net premiums therefor. The modified net premiums for the policy shall be the uniform percentage of the respective contract premiums for the benefits, excluding extra premiums on a substandard policy, that the present value at the date of issue of the policy of all the modified net premiums shall be equal to the sum of the then present value of the benefits provided for by the policy and the excess of subparagraph (A) of this paragraph over subparagraph (B) of this paragraph as follows:

(A) A net level annual premium equal to the present value at the date of issue of such benefits provided for after the first policy year, divided by the present value at the date of issue of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that the net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of the policy; and

(B) A net one-year term premium for the benefits provided for in the first policy year.

Provided that for any life insurance policy issued on or after the effective date of subsection (h) of Code Section 33-25-4 for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the Commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined in this subsection as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in subsection (l) of this Code section, be the greater of the reserve as of such policy anniversary calculated as described in the preceding paragraph and the reserve as of such policy anniversary calculated as described in that paragraph, but with (i) the value defined in subparagraph (A) of that paragraph being reduced by 15 percent of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in subsections (e) and (f) of this Code section shall be used.

(2) Reserves according to the Commissioner's reserve valuation method for:

(A) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

(B) Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code as now or hereafter amended;

(C) Disability and accidental death benefits in all policies and contracts; and

(D) All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this subsection.

(h) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code. Reserves according to the Commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in the contracts, shall be the greatest of the respective excesses of the present values at the date of valuation of the future guaranteed benefits, including guaranteed nonforfeiture benefits provided for by the contracts at the end of each respective contract year, over the present value at the date of valuation of any future valuation considerations derived from future gross considerations required by the terms of the contract that become payable prior to the end of the respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of the contracts to determine nonforfeiture values.

(i) In no event shall an insurer's aggregate reserve for all life insurance policies, excluding disability and accidental death benefits issued on or after January 1, 1966, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (g), (h), (l), and (m) of this Code section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for the policies. In no event shall the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined by the appointed actuary to be necessary to render the opinion required by subsection (d) of the Code section.

(j)(1) Reserves for all policies and contracts issued prior to January 1, 1966, may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all the policies and contracts than the minimum reserves required by the laws in effect immediately prior to that date.

(2) For any category of policies, contracts, or benefits specified in subsection (e) of this Code section issued on or after January 1, 1966, reserves may be calculated, at the

option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard provided in this Code section; but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for in the policies and contracts.

(k) An insurer that at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided for in subsection (i) of this Code section may, with the approval of the Commissioner, adopt any lower standard of valuation but not lower than the minimum provided in this subsection; provided, however, that for the purposes of this subsection, the holding of additional reserves previously determined by a qualified actuary to be necessary to render the opinion required by subsection (d) of this Code section shall not be deemed to be the adoption of a higher standard of valuation.

(l) If in any contract year the gross premium charged by any life insurer on any policy or contract issued on or after January 1, 1966, is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract or the reserve calculated by the method actually used for the policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this Code section are those standards stated in subsections (e) and (f) of this Code section. Provided that for any life insurance policy issued on or after the effective date of subsection (h) of Code Section 33-25-4 for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides as an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this subsection shall be applied as if the method actually used in calculating the reserve for such policy were the method described in subsection (g) of this Code section, ignoring the second paragraph of paragraph (1) of subsection (g) of this Code section. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with subsection (g) of this Code section, including the second paragraph of paragraph (1) of subsection (g) of this Code section, and the minimum reserve calculated in accordance with this subsection.

(m) In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the

methods described in subsections (e), (g), (h), and (l) of this Code section, the reserves which are held under any such plan must:

(1) Be appropriate in relation to the benefits and the pattern of premiums for that plan; and

(2) Be computed by a method which is consistent with the principles of this Code section, the 'Standard Valuation Law,'

as determined by regulations promulgated by the Commissioner.

(n) For accident and health insurance contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under paragraph (2) of subsection (c) of this Code section. For disability, accident and sickness, accident, and health insurance contracts issued prior to the operative date of the valuation manual, the minimum standard of valuation is the standard adopted by the Commissioner by regulation.

(o)(1) For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under paragraph (2) of subsection (c) of this Code section, except as provided under paragraphs (5) and (7) of this subsection.

(2) The operative date of the valuation manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

(A) The valuation manual has been adopted by the NAIC by an affirmative vote of at least 42 members, or three-fourths of the members voting, whichever is greater;

(B) The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by states representing greater than 75 percent of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident and health annual statements; health annual statements; or fraternal annual statements; and

(C) The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least 42 of the following 55 jurisdictions: The 50 states of the United States, American Samoa, the American Virgin Islands, the District of Columbia, Guam, and Puerto Rico.

(3) Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January 1 following the date when the change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

(A) At least three-fourths of the members of the NAIC voting, but not less than a majority of the total membership; and

(B) Members of the NAIC representing jurisdictions totaling greater than 75 percent of the direct premiums written as reported in the following annual statements most recently available prior to the vote in subparagraph (A) of this paragraph: life, accident and health annual statements, health annual statements, or fraternal annual statements.

(4) The valuation manual must specify all of the following:

(A) Minimum valuation standards for and definitions of the policies or contracts subject to paragraph (2) of subsection (c) of this Code section. Such minimum valuation standards shall be:

(i) The Commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subject to paragraph (2) of subsection (c) of this Code section;

(ii) The Commissioner's annuity reserve valuation method for annuity contracts subject to paragraph (2) of subsection (c) of this Code section; and

(iii) Minimum reserves for all other policies or contracts subject to paragraph (2) of subsection (c) of this Code section;

(B) Which policies or contracts or types of policies or contracts that are subject to the requirements of a principle-based valuation in paragraph (1) of subsection (p) of this Code section and the minimum valuation standards consistent with those requirements;

(C) For policies and contracts subject to a principle-based valuation under subsection (p) of this Code section:

(i) Requirements for the format of reports to the Commissioner under subparagraph (p)(2)(C) of this Code section and which shall include information necessary to determine if the valuation is appropriate and in compliance with this Code section;

(ii) Assumptions shall be prescribed for risks over which the company does not have significant control or influence; and

(iii) Procedures for corporate governance and oversight of the actuarial function, and a process for appropriate waiver or modification of such procedures;

(D) For policies not subject to a principle-based valuation under subsection (p) of this Code section the minimum valuation standard shall either:

(i) Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

(ii) Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring;

(E) Other requirements, including, but not limited to, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules, and internal controls; and

(F) The data and form of the data required under subsection (q) of this Code section, with whom the data must be submitted, and may specify other requirements including data analyses and reporting of analyses.

(5) In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not, in the opinion of the Commissioner, in compliance with this Code section, then the company shall, with respect to such

requirements, comply with minimum valuation standards prescribed by the Commissioner by regulation.

(6) The Commissioner may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company's compliance with any requirement set forth in this Code section. The Commissioner may rely upon the opinion, regarding provisions contained within this Code section, of a qualified actuary engaged by the commissioner of another state, district, or territory of the United States. As used in this paragraph, the term 'engage' includes employment and contracting.

(7) The Commissioner may require a company to change any assumption or method that in the opinion of the Commissioner is necessary in order to comply with the requirements of the valuation manual or this Code section; and the company shall adjust the reserves as required by the Commissioner. The Commissioner may take other disciplinary action as permitted pursuant to this title.

(p)(1) A company must establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

(A) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk;

(B) Incorporate assumptions, risk analysis methods and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;

(C) Incorporate assumptions that are derived in one of the following manners:

(i) The assumption is prescribed in the valuation manual; or

(ii) For assumptions that are not prescribed, the assumptions shall:

(I) Be established utilizing the company's available experience, to the extent it is relevant and statistically credible; or

(II) To the extent that company data is not available, relevant, or statistically credible, be established utilizing other relevant, statistically credible experience; and

(D) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

(2) A company using a principle-based valuation for one or more policies or contracts subject to this subsection as specified in the valuation manual shall:

(A) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual;

(B) Provide to the Commissioner and the board of directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls shall be designed to assure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation, and that valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year; and

(C) Develop, and file with the Commissioner upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

(3) A principle-based valuation may include a prescribed formulaic reserve component.

(q) A company shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation manual.

(r)(1) For purposes of this subsection, the term 'confidential information' shall mean:

(A) A memorandum in support of an opinion submitted under subsection (d) of this Code section and any other documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such memorandum;

(B) All documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in the course of an examination made under paragraph (6) of subsection (o) of this Code section; provided, however, that if an examination report or other material prepared in connection with an examination made under Chapter 2 of this title is not held as private and confidential information under Chapter 2 of this title, an examination report or other material prepared in connection with an examination made under paragraph (6) of subsection (o) of this Code section shall not be confidential information to the same extent as if such examination report or other material had been prepared under Chapter 2 of this title;

(C) Any reports, documents, materials, and other information developed by a company in support of, or in connection with, an annual certification by the company under subparagraph (p)(2)(B) of this Code section evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation and any other documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such reports, documents, materials, and other information;

(D) Any principle-based valuation report developed under subparagraph (p)(2)(C) of this Code section and any other documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such report; and

(E) Any documents, materials, data, and other information submitted by a company under subsection (q) of this Code section (collectively, 'experience data') and any other documents, materials, data, and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the Commissioner (together with any 'experience data,' the 'experience materials') and any other documents, materials, data, and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the Commissioner or any other person in connection with such experience materials.

(2)(A) Except as provided in this subsection, a company's confidential information is confidential by law and privileged, and shall not be subject to Article 4 of Chapter 18 of Title 50, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action; provided, however, that the Commissioner is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as a part of the Commissioner's official duties.

(B) Neither the Commissioner nor any person who received confidential information while acting under the authority of the Commissioner shall be permitted or required to testify in any private civil action concerning any confidential information.

(C) In order to assist in the performance of the Commissioner's duties, the Commissioner may share confidential information (i) with other state, federal, and international regulatory agencies and with the NAIC and its affiliates and subsidiaries, and (ii) in the case of confidential information specified in subparagraphs (A) and (D) of paragraph (1) of this subsection only, with the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and with state, federal, and international law enforcement officials; in the case of (i) and (ii), provided that such recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of such documents, materials, data, and other information in the same manner and to the same extent as required for the Commissioner.

(D) The Commissioner may receive documents, materials, data, and other information, including otherwise confidential and privileged documents, materials, data, or information, from the NAIC and its affiliates and subsidiaries, from regulatory or law enforcement officials of other foreign or domestic jurisdictions, and from the Actuarial Board for Counseling and Discipline or its successor and shall maintain as confidential or privileged any document, material, data, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information.

(E) The Commissioner may enter into agreements governing sharing and use of information consistent with this paragraph.

(F) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the Commissioner under this subsection or as a result of sharing as authorized in subparagraph (C) of paragraph (2) of this subsection.

(G) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this paragraph shall be available and enforced in any proceeding in, and in any court of, this state.

(H) In this subsection, the terms 'regulatory agency,' 'law enforcement agency,' and the 'NAIC' include, but are not limited to, their employees, agents, consultants and contractors.

(3) Notwithstanding this paragraph, any confidential information specified in subparagraphs (A) and (D) of paragraph (1) of this subsection:

(A) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under subsection (d) of this Code section or principle-based valuation report developed under subparagraph (p)(2)(C) of this Code section by reason of an action required by this Code section or by regulations promulgated hereunder;

(B) May otherwise be released by the Commissioner with the written consent of the company; and

(C) Once any portion of a memorandum in support of an opinion submitted under subsection (d) of this Code section or a principle-based valuation report developed under subparagraph (p)(2)(C) of this Code section is cited by the company in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of such memorandum or report shall no longer be confidential.

(s)(1) The Commissioner may exempt specific product forms or product lines of a domestic company that is licensed and doing business only in this state from the requirements of subsection (o) of this Code section, provided:

(A) The Commissioner has issued an exemption in writing to the company and has not subsequently revoked the exemption in writing; and

(B) The company computes reserves using assumptions and methods used prior to the operative date of the valuation manual in addition to any requirements established by the Commissioner and promulgated by regulation.

(2) For any company granted an exemption under this subsection, subsections (d) through (n) of this Code section shall be applicable. With respect to any company applying this exemption, any reference to subsection (o) of this Code section in subsections (d) through (n) of this Code section shall not be applicable.

(t)(1) An insurer that has less than $300 million of ordinary life premiums and that is licensed and doing business in this state and that is subject to the requirements of subsections (o) through (r) of this Code section is deemed to pass the exclusion tests

associated with life insurance reserve requirements incorporated in the valuation manual, provided that:

(A) If the insurer is a member of a group of life insurers, the group has combined ordinary life premiums of less than $600 million;

(B) The insurer reported total adjusted capital of at least 450 percent of authorized control level risk based capital in the risk based capital report for the prior calendar year;

(C) The appointed actuary has provided an unqualified opinion on the reserves for the prior calendar year; and

(D) The insurer has provided a certification by a qualified actuary that any universal life policy with a secondary guarantee issued by the insurer after the operative date of the valuation manual meets the definition of a nonmaterial secondary guarantee universal life product as defined in the valuation manual.

(2) For purposes of paragraph (1) of this subsection, ordinary life premiums are measured as direct premium plus reinsurance assumed from an unaffiliated company, as reported in the annual statement for the prior calendar year.

(3) A company that meets the requirements under paragraph (1) of this subsection is also subject to the requirements of subsection (l) of this Code section.

(4) A domestic company meeting all of the conditions provided in this subsection may file, prior to July 1 of the current calendar year, a statement with the Commissioner certifying that such conditions are met for the current calendar year based on premiums and other values from the financial statements for the prior calendar year. The Commissioner may reject such statement prior to September 1 and require a company to comply with the valuation manual requirements for life insurance reserves."

SECTION 2.

Said title is further amended by revising subsection (e) of Code Section 33-25-4, relating to required nonforfeiture provisions, as follows:

"(e)(1) As used in this subsection, the term 'operative date of the valuation manual' means January 1 of the first calendar year that the valuation manual as defined in subsection (o) of Code Section 33-1-10 becomes effective.

(1.1) This subsection shall apply to any life insurance policy issued on or after January 1, 1989, or such earlier date as may have been elected by the insurer with respect to such policy in accordance with the provisions of paragraph (11) of this subsection. Except as provided in paragraph (3) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of (A) the then present

value of the future guaranteed benefits provided for by the policy; (B) one percent of either the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and (C) 125 percent of the nonforfeiture net level premium as defined in this subsection; provided, however, that in applying the percentage specified in item (C) of this paragraph no nonforfeiture net level premium shall be deemed to exceed 4 percent of either the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

(2) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due.

(3) In the case of policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that the future benefits and premiums do not change from those stipulated by the policy immediately after the change.

(4) Except as otherwise provided in paragraph (7) of this subsection, the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the time of change to the newly defined benefits or premiums, of all such future adjusted premiums shall be equal to the excess of (A) the sum of (i) the then present value of the then future guaranteed benefits provided for by the policy and (ii) the additional expense allowance, if any, over (B) the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

(5) The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of (A) 1 percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first ten policy years subsequent to the change over the average amount of insurance prior to the change at the beginning of each of the first ten policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of

the policy; and (B) 125 percent of the increase, if positive, in the nonforfeiture net level premium.

(6) The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (A) by (B) where:

(A) Equals the sum of:

(i) The nonforfeiture net level premium applicable prior to the change times the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of the change on which a premium would have fallen due had the change not occurred; and

(ii) The present value of the increase in future guaranteed benefits provided for by the policy; and

(B) Equals the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of change on which a premium falls due.

(7) Notwithstanding any other provisions of this subsection to the contrary, in the case of a policy issued on a substandard basis which provides reduced graded amounts of insurance so that, in each policy year, such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis.

(8) All adjusted premiums and present values referred to in this Code section shall for all policies of ordinary insurance be calculated on the basis of (A) the Commissioners 1980 Standard Ordinary Mortality Table or (B) at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; shall for all policies of industrial insurance be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this subsection for policies issued in that calendar year; provided, however, that:

(A) At the option of the insurer, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this subsection, for policies issued in the immediately preceding calendar year;

(B) Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by subsection (a) of this Code section, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any;

(C) An insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values;

(D) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance and not more than the Commissioners 1961 Industrial Extended Term Insurance Table for policies of industrial insurance;

(E) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables;

(F) For policies issued prior to the operative date of the valuation manual, any ~~Any~~ Commissioners standard ordinary mortality tables adopted after 1980 by the National Association of Insurance Commissioners that are approved by regulation promulgated by the Commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the Commissioner approves by regulation any Commissioners standard ordinary mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual; and

(G) For policies issued prior to the operative date of the valuation manual, any ~~Any~~ Commissioners standard industrial mortality tables adopted after 1980 by the National Association of Insurance Commissioners that are approved by regulation promulgated by the Commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the Commissioner approves by regulation any Commissioners standard industrial mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture

standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

(9) The nonforfeiture interest rate is defined as follows:

(A) For policies issued prior to the operative date of the valuation manual, the ~~The~~ nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to 125 percent of the calendar year statutory valuation interest rate for such policy as defined in Code Section 33-10-13, the Standard Valuation Law, rounded to the nearer one quarter of 1 percent; provided, however, that the nonforfeiture interest rate shall not be less than 4.00 percent.

(B) For policies issued on and after the operative date of the valuation manual, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be provided by the valuation manual.

(10) Notwithstanding any other provision in this title to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

(11) After November 1, 1982, any insurer may file with the Commissioner a written notice of its election to comply with the provisions of this subsection with respect to specified policy forms after a specified date before January 1, 1989, which shall be the operative date of this subsection for such specified policy forms. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1989."

SECTION 3.

Said title is further amended by adding a new Chapter 13A to read as follows:

"CHAPTER 13A

33-13A-1.

This chapter shall be known and may be cited as the 'Mutual Insurance Holding Company Act.'

33-13A-2.

As used in this chapter, the term:

(1) 'Intermediate stock holding company' means one or more stock corporations that own all of the shares of voting stock of one or more reorganized stock insurers after a reorganization under Code Section 33-13A-3 or a merger under Code Section 33-13A-4.

(2) 'Majority of the voting stock of the reorganized stock insurer' means shares of the capital stock of the reorganized stock insurer that carry the right to cast a majority of the votes entitled to be cast by all of the outstanding shares of the capital stock of the reorganized stock insurer for the election of directors and on all other matters

submitted to a vote of the shareholders of the reorganized stock insurer. The ownership of a majority of the voting stock of the reorganized stock insurer that is required pursuant to this chapter to be at all times owned by a mutual insurance holding company includes indirect ownership through one or more intermediate stock holding companies in a corporate structure approved by the Commissioner. However, indirect ownership through one or more intermediate stock holding companies shall not result in the mutual insurance holding company owning less than the equivalent of a majority of the voting stock of the reorganized stock insurer. The Commissioner shall have jurisdiction over an intermediate stock holding company as if it were a mutual insurance holding company.

(3) 'Member' means a person who obtains a membership interest in a mutual insurance holding company by virtue of being a policyholder of a mutual insurer that is the subject of a reorganization plan under Code Section 33-13A-3 or a merger plan under Code Section 33-13A-4.

(4) 'Merger plan' means a plan approved by a mutual insurer's board of directors under Code Section 33-13A-4 which proposes to merge a domestic or foreign mutual insurer into an existing mutual insurance holding company or into an intermediate stock holding company, thereby converting the domestic or foreign mutual insurer into a stock insurer.

(5) 'Mutual insurance holding company' means a domestic corporation incorporated pursuant to a reorganization plan under Code Section 33-13A-3 or a merger plan under Code Section 33-13A-4, which company is the ultimate parent of a reorganized stock insurer and which may be the parent company of one or more intermediate stock holding companies.

(6) 'Policyholder' means a person who is insured under one or more insurance policies or annuity contracts by a mutual insurer at the time of a reorganization under Code Section 33-13A-3 or a merger under Code Section 33-13A-4.

(7) 'Reorganization plan' means a reorganization plan adopted by a mutual insurer's board of directors in accordance with Code Section 33-13A-3 or 33-13A-4 which proposes to convert the domestic or foreign mutual insurer into a stock insurer.

(8) 'Reorganized stock insurer' means the domestic or foreign stock insurer resulting from a domestic or foreign mutual insurer's reorganization under Code Section 33-13A-3 or merger under Code Section 33-13A-4.

(9) 'Voting stock' means securities of any class or any ownership interest having voting power for the election of directors, trustees, or management of a corporation. Voting stock shall also mean any security convertible into or evidencing a right to acquire a voting security.

33-13A-3.

(a) A domestic mutual insurer, upon approval of the Commissioner, may reorganize by forming an insurance holding company system, which shall be designated as a mutual insurance holding company, based upon a reorganization plan and continuing the corporate existence of the reorganizing insurer as a stock insurer. Such a reorganization

plan must be adopted by the affirmative vote of not less than two-thirds of the mutual insurer's board of directors. The Commissioner, after a public hearing as provided in paragraph (2) of subsection (d) of Code Section 33-13-3, if satisfied that the interests of the policyholders are properly protected and that the reorganization plan is fair and equitable to the policyholders, may approve the proposed reorganization plan and may require as a condition of approval such modifications of the reorganization plan as the Commissioner finds necessary for the protection of the policyholders' interests. A reorganization pursuant to this Code section is subject to the requirements of Code Section 33-13-3. The Commissioner shall retain jurisdiction over a mutual insurance holding company organized pursuant to this Code section to ensure that policyholder interests are protected.

(b) All of the initial shares of the capital stock of the reorganized stock insurer shall be issued to the mutual insurance holding company or to an intermediate stock holding company. The membership interests of the policyholders of the reorganized stock insurer shall become membership interests in the mutual insurance holding company. Policyholders of the reorganized stock insurer shall be members of the mutual insurance holding company in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall at all times own a majority of the voting stock of the reorganized stock insurer or an intermediate stock holding company.

(c) The reorganization plan shall provide that all of the initial shares of capital stock of the reorganized stock insurer shall be issued to the mutual insurance holding company or to an intermediate stock holding company. The reorganization plan shall provide that the mutual insurance holding company shall at all times own a majority of the voting stock of the reorganized stock insurer or, alternatively, that the mutual insurance holding company shall at all times own the majority of voting stock in an intermediate stock holding company, which intermediate stock holding company shall at all times own all of the voting stock of the reorganized stock insurer. The shares of voting stock required to be owned by the mutual insurance holding company or by an intermediate stock holding company shall not be pledged, hypothecated, or in any way encumbered with regard to any obligation, guaranty, or commitment undertaken by or on behalf of the mutual insurance holding company or the intermediate stock holding company, if any. The reorganization plan shall also provide that the board of directors of the mutual insurance holding company will be elected by the members.

(d) The reorganization plan shall provide that membership interests of the policyholders of the mutual insurer shall automatically convert to membership interests in the mutual insurance holding company so long as the policy is in force as of the date the reorganization plan was adopted by the board of directors of the mutual insurer and that, concurrently upon the effective date of the reorganization, the policyholder's membership interests in the mutual insurer shall be extinguished.

33-13A-4.

(a) A domestic mutual insurer, upon the approval of the Commissioner, may reorganize by merging its policyholders' membership interests into a mutual insurance holding company formed pursuant to Code Section 33-13A-3 and continuing the corporate existence of the reorganizing insurer as a stock insurer subsidiary of the mutual insurance holding company or an intermediate stock holding company. The Commissioner, after a public hearing as provided in paragraph (2) of subsection (d) of Code Section 33-13-3, if satisfied that the interests of the policyholders are properly protected and that the merger plan is fair and equitable to the policyholders, may approve the merger plan and may require as a condition of approval such modifications of the merger plan as the Commissioner finds necessary for the protection of the policyholders' interests. The Commissioner shall retain jurisdiction over the mutual insurance holding company organized pursuant to this Code section to ensure that policyholder interests are protected.

(b) All of the initial shares of the capital stock of the reorganized stock insurer shall be issued to the mutual insurance holding company or to an intermediate stock holding company. The membership interests of the policyholders of the reorganized stock insurer shall become membership interests in the mutual insurance holding company. Policyholders of the reorganized stock insurer shall be members of the mutual insurance holding company in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall at all times own a majority of the voting stock of the reorganized stock insurer or an intermediate stock holding company. A merger of policyholders' membership interests in a mutual insurer into a mutual insurance holding company shall be deemed to be the acquisition of an insurance control company pursuant to Code Section 33-13-3 and is subject to the requirements of Code Section 33-13-3.

(c) A foreign mutual insurer which, if a domestic mutual insurer, would be organized under Chapter 14 of this title may reorganize upon the approval of the Commissioner and in compliance with the requirements of any law or rule applicable to the foreign mutual insurer by merging its policyholders' membership interests into a mutual insurance holding company formed pursuant to Code Section 33-13A-3 and continuing the corporate existence of the reorganizing foreign mutual insurer as a foreign stock insurer subsidiary of the mutual insurance holding company or one or more intermediate stock holding companies. The Commissioner, after a public hearing as provided in paragraph (2) of subsection (d) of Code Section 33-13-3, may approve the proposed merger. The reorganizing foreign mutual insurer may remain a foreign company or foreign corporation after the merger and may be admitted to do business in this state, upon approval by the Commissioner. A foreign mutual insurer that is a party to the merger may at the same time redomesticate in this state by complying with the applicable requirements of this state and its state of domicile. The provisions of subsection (b) of this Code section shall apply to a merger authorized under this subsection.

33-13A-5.
A mutual insurance holding company resulting from the reorganization of a domestic mutual insurer and the reorganized stock insurer shall be incorporated and governed pursuant to Chapter 14 of this title and subject to Chapter 13 of this title. This requirement shall supersede any conflicting provisions of Chapter 2 of Title 14. The articles of incorporation and any amendments to such articles of the mutual insurance holding company shall be subject to approval of the Commissioner in the same manner as those of an insurer. An intermediate stock holding company shall be incorporated and governed pursuant to Chapter 2 of Title 14.

33-13A-6.
A mutual insurance holding company is deemed to be an insurer subject to this title and shall automatically be a party to any proceeding under this title involving an insurer that, as a result of a reorganization pursuant to Code Section 33-13A-3 or a merger pursuant to Code Section 33-13A-4, is a subsidiary of the mutual insurance holding company or one or more intermediate stock holding companies. In any proceeding involving the reorganized stock insurer, the assets of the mutual insurance holding company are deemed to be assets of the estate of the reorganized stock insurer for purposes of satisfying the claims of the reorganized stock insurer's policyholders. A mutual insurance holding company shall not be dissolved or liquidated without the prior approval of the Commissioner.

33-13A-7.
(a) Code Section 33-14-76 is not applicable to a reorganization or merger pursuant to this chapter.
(b) The demutualization of a mutual insurance holding company is subject to the requirements of Code Section 33-14-76.

33-13A-8.
A membership interest in a mutual insurance holding company shall not constitute a security as such term is defined in Code Section 11-8-102.

33-13A-9.
(a) The offerings of voting stock by a reorganized stock insurer or intermediate stock holding company to any person other than the mutual insurance holding company or a wholly owned subsidiary thereof, which offering is to occur in connection with the reorganization or merger or is the first to occur after the effective date of the reorganization or merger, shall be made only in accordance with such provisions as the reorganization plan or merger plan may contain governing such an initial offering or with the prior approval of the Commissioner after submission of an application by the proposed issuer. The reorganization plan or merger plan shall describe the terms on which members, officers, and directors of the mutual insurance holding company, as well as any other persons, may participate in such offering. The Commissioner may

approve any such application unless the Commissioner finds that the offering would be prejudicial to the members of the mutual holding company.
(b) The Commissioner may retain any attorneys, actuaries, accountants, and other experts not otherwise a part of the Commissioner's staff as may be reasonably necessary to assist the Commissioner in reviewing an application submitted pursuant to this Code section, the cost of which shall be borne by the proposed issuer submitting such application.

33-13A-10.
(a) Within 45 days after the date of the Commissioner's approval of a reorganization plan or merger plan pursuant to this chapter, unless extended by the Commissioner for good cause, the mutual insurer shall hold a meeting of its policyholders to vote upon such plan. The mutual insurer shall give notice at least 30 days before the time fixed for the meeting, by first-class mail to the last known address of each policyholder, that the reorganization plan or merger plan will be voted upon at a regular or special meeting of the policyholders. The notice shall include a brief description of the reorganization plan or merger plan and a statement that the Commissioner has approved such plan. The notice shall also include information regarding where the policyholder can obtain copies of the full reorganization plan or merger at no cost to the policyholder. The notice to each policyholder shall also include a written proxy permitting the policyholder to vote for or against the reorganization plan or merger plan. A reorganization plan or merger plan shall be approved only if not less than two-thirds of the policyholders voting in person or by proxy at the meeting vote in favor of such plan. Each policyholder shall be entitled to only one vote regardless of the number of policies owned by the policyholder.
(b) If a mutual insurer complies substantially and in good faith with the notice requirements of this Code section, the mutual insurer's failure to give any policyholder any required notice does not impair the validity of any action taken under this Code section.
(c) For purposes of voting, policyholder means a person who is eligible to vote under the mutual insurer's articles of incorporation or bylaws and who is also a policyholder of the mutual insurer as of the date on which the reorganization plan or merger plan is initially approved by the board of directors of the mutual insurer.

33-13A-11.
The majority of the voting stock of the reorganized stock insurer, which is required by this Code section to be at all times owned by a mutual insurance holding company, shall not be conveyed, transferred, assigned, pledged, subject to a security interest or lien, encumbered, or otherwise hypothecated or alienated by the mutual insurance holding company or intermediate stock holding company. Any conveyance, transfer, assignment, pledge, security interest, lien, encumbrance, hypothecation, or alienation of, in or on the majority of the voting stock of the reorganized stock insurer that is required by this Code section to be at all times owned by a mutual insurance holding

company, is in violation of the provisions of this Code section and shall be void in inverse chronological order of the date of such conveyance, transfer, assignment, pledge, security interest, lien, encumbrance, hypothecation, or alienation as to the shares necessary to constitute a majority of such voting stock. The majority of the voting stock of the reorganized stock insurer that is required by this Code section to be at all times owned by a mutual insurance holding company shall not be subject to execution and levy. The shares of the capital stock of the surviving or new company resulting from a merger or consolidation of two or more reorganized stock insurers or two or more intermediate stock holding companies that were subsidiaries of the same mutual insurance holding company are subject to the same requirements, restrictions, and limitations as provided in this Code section to which the shares of the merging or consolidating reorganized stock insurers or intermediate stock holding companies were subject as provided in this Code section prior to the merger or consolidation.

33-13A-12.
It is the intent of the General Assembly that the formation of a mutual insurance holding company shall not increase the Georgia tax burden of the mutual insurance holding company system and that a reorganized stock insurer shall continue to be subject to Georgia insurance premium taxation in lieu of all other taxes except as provided in Chapter 8 of this title.

33-13A-13.
The Commissioner shall have the authority to promulgate rules and regulations to implement and enforce the provisions of this chapter."

SECTION 4.

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

Representative Shaw of the 176th moved that the House agree to the Senate substitute to HB 185.

On the motion, 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
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	N Henson	Y Nix	N Spencer
N 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
N Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	N Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	N Dudgeon	Y Hugley	Y Petrea	Y Tankersley

Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	N Dunahoo	Y Jacobs	Y Powell, A	Y 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 Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	N Raffensperger	Thomas, E
Y Bryant	Y Epps	Y Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Y Burns	E Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	N Welch
N Cantrell	Y Frazier	N Kirby	Y Rice	Weldon
N Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	N 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	N Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	N Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	N Sims	Ralston, Speaker

On the motion, the ayes were 140, nays 31.

The motion prevailed.

HB 71. By Representatives Tanner of the 9th, Golick of the 40th, Caldwell of the 131st, Atwood of the 179th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Chapter 17 of Title 17 and Chapter 9 of Title 42 of the O.C.G.A., relating to the Crime Victims' Bill of Rights and pardons and paroles, respectively, so as to provide for input and transparency relative to the granting of a pardon or commutation of a death sentence to a life sentence; to change provisions relating to notifications by the State Board of Pardons and Paroles; to change provisions relating to the State Board of Pardons and Paroles procedure and information gathering when considering the grant of pardon, clemency, or commutation of a death sentence; to provide for exemptions from disclosure; to amend Code Section 50-13-9.1 of the O.C.G.A., relating to variance or waiver to rules, so as to correct an incorrect reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 17 of Title 17 and Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to the Crime Victims' Bill of Rights and pardons and paroles, respectively, so as to provide for input and transparency relative to the granting of a pardon for a serious offense or commutation of a death sentence to a life sentence; to provide for a definition; to change provisions relating to notifications by the State Board of Pardons and Paroles; to change provisions relating to the State Board of Pardons and Paroles procedure and information gathering when considering the grant of pardon, clemency, or commutation of a death sentence; to provide for exemptions from disclosure; to amend Code Section 50-13-9.1 of the Official Code of Georgia Annotated, relating to variance or waiver to rules, so as to correct an incorrect reference; 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 17 of Title 17 of the Official Code of Georgia Annotated, relating to the Crime Victims' Bill of Rights, is amended by revising Code Section 17-17-13, relating to notification of impending parole or clemency proceedings, as follows:

"17-17-13.

The State Board of Pardons and Paroles shall give 20 days' advance notification to a victim whenever it considers making a final decision to grant parole, ~~or any other manner of executive clemency action to~~ release a defendant for a period exceeding 60 days, or grant a pardon; and the board shall provide the victim with an opportunity to file a written objection to such action. Within 72 hours of receiving a request to commute a death sentence, the State Board of Pardons and Paroles shall provide notification to a victim of the date set for hearing such request and provide such victim an opportunity to file a written response to such request. No notification to the victim need be given unless the victim has expressed ~~objection to release or has expressed~~ a desire for such notification and has provided the State Board of Pardons and Paroles with a current mailing or e-mail address and telephone number. Failure of the victim to inform the board of a change of address or telephone number shall not void a decision of the board."

SECTION 2.

Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to pardons and paroles, is amended by revising Code Section 42-9-20.1, relating to public access to information regarding paroled felons residing within this state, as follows:

"42-9-20.1.

Notwithstanding the provisions of Article 4 of Chapter 18 of Title 50 or any provisions of this chapter relating to the confidentiality of records, the State Board of Pardons and Paroles shall develop and implement a system whereby any interested citizen of this state shall be permitted to contact the board through an electronic calling system or by other means and receive information relating to persons who have been convicted of a

felony, who have been paroled, and whose current addresses are within the State of Georgia. With respect to each parolee, the board shall provide the parolee's name, sex, date of birth, current address, crime or crimes for which the parolee was convicted, and the beginning and ending dates of such person's parole. ~~The board shall not release any information regarding a person who has previously been paroled and whose civil rights have been restored.~~ The board shall be authorized to charge a reasonable fee to cover the costs of providing such information. The board shall be authorized to promulgate rules and regulations to carry out the provisions of this Code section."

SECTION 3.

Said chapter is further amended by revising subsection (b) of Code Section 42-9-42, relating to the procedure for granting relief from sentence, conditions, and prerequisites, as follows:

"(b)(1) As used in this subsection, the term 'serious offense' means:

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

(B) A felony offense of:

(i) False imprisonment in violation of Code Section 16-5-41 when the victim is not the child of the accused and the victim is less than 14 years of age;

(ii) Aggravated assault in violation of Code Section 16-5-21;

(iii) Aggravated battery in violation of Code Section 16-5-24;

(iv) Trafficking of persons for labor or sexual servitude in violation of Code Section 16-5-46;

(v) Cruelty to children in violation of Code Section 16-5-70;

(vi) Stalking in violation of Code Section 16-5-90;

(vii) Aggravated stalking in violation of Code Section 16-5-91;

(viii) Exploitation and intimidation of disabled adults, elder persons, and residents in violation of Code Section 16-5-102;

(ix) Sodomy in violation of Code Section 16-6-2;

(x) Statutory rape in violation of Code Section 16-6-3;

(xi) Child molestation in violation of Code Section 16-6-4;

(xii) Enticing a child for indecent purposes in violation of Code Section 16-6-5;

(xiii) Sexual assault of certain persons in violation of Code Section 16-6-5.1;

(xiv) Incest in violation of Code Section 16-6-22;

(xv) Sexual battery in violation of Code Section 16-6-22.1;

(xvi) Burglary in violation of Code Section 16-7-1;

(xvii) Home invasion in violation of Code Section 16-7-5;

(xviii) Arson in violation of Code Section 16-7-60;

(xix) Possession, manufacture, transport, distribution, possession with the intent to distribute, or offering to distribute an explosive device in violation of Code Section 16-7-82;

(xx) Possessing, transporting, or receiving explosives or destructive devices with the intent to kill, injure, or intimidate individuals or destroy public buildings in violation of Code Section 16-7-88;

(xxi) Theft by receiving stolen property in violation of Code Section 16-8-7;
(xxii) Robbery in violation of Code Section 16-8-40;
(xxiii) Sexual exploitation of children in violation of Code Section 16-12-100;
(xxiv) Drug related objects in violation of Code Section 16-13-1;
(xxv) Approval by the federal Food and Drug Administration as prerequisite to certain sales in violation of Code Section 16-13-4;
(xxvi) Purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana in violation of Code Section 16-13-30;
(xxvii) Licenses for sale, transfer, or purchase for resale of products containing pseudoephedrine; reporting and record-keeping requirements in violation of Code Section 16-13-30.4;
(xxviii) Possession of substances with intent to use or convey such substances for the manufacture of Schedule I or Schedule II controlled substances in violation of Code Section 16-13-30.5;
(xxix) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine in violation of Code Section 16-13-31;
(xxx) Trafficking in ecstasy in violation of Code Section 16-13-31.1;
(xxxi) Transactions in drug related objects in violation of Code Section 16-13-32;
(xxxii) Transactions in drug related objects in violation of Code Section 16-13-32.1;
(xxxiii) Use of a communication facility in committing or facilitating commission of an act which constitutes a felony in violation of Code Section 16-13-32.3;
(xxxiv) Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools in violation of Code Section 16-13-32.4;
(xxxv) Manufacturing, distributing, dispensing, or possessing controlled substances, marijuana, or counterfeit substances near a park or housing project in violation of Code Section 16-13-32.5;
(xxxvi) Manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substances or marijuana in, on, or within a drug-free commercial zone in violation of Code Section 16-13-32.6;
(xxxvii) Unauthorized distribution and dispensation of a controlled substance in violation of Code Section 16-13-42;
(xxxviii) Unauthorized distribution of a controlled substance in violation of Code Section 16-13-43;
(xxxix) A violation of Article 3 of Chapter 13 of Title 16 involving dangerous drugs;
(xl) A violation of Chapter 14 of Title 16 involving racketeer influenced and corrupt organizations; or
(xli) Participating in gang activity in violation of Code Section 16-15-4.

(2) A grant of ~~clemency,~~ pardon, parole, or other relief from sentence shall be rendered only by a written decision which shall be signed by at least the number of

board members required for the relief granted and which shall become a part of ~~the~~ such individual's permanent record.

(3) Notwithstanding the provisions of Article 4 of Chapter 18 of Title 50 or any provisions of this chapter relating to the confidentiality of records, a written decision relating to a pardon for a serious offense or commutation of a death sentence shall:

(A) Include the board's findings which reflect the board's consideration of the evidence offered that supports the board's decision; and

(B) Be available for public inspection."

SECTION 4.

Said chapter is further amended by revising Code Section 42-9-43, relating to information to be considered by the board generally, investigation, granting relief, and notice to victim, as follows:

"42-9-43.

(a) The board, in considering any case within its power, shall cause to be brought before it all pertinent information on the person in question. Included therein shall be:

(1) A report by the superintendent, warden, or jailer of the jail or state or county correctional institution in which the person has been confined upon the conduct of record of the person while in such jail or state or county correctional institution;

(2) The results of such physical and mental examinations as may have been made of the person;

(3) The extent to which the person appears to have responded to the efforts made to improve his or her social attitude;

(4) The industrial record of the person while confined, the nature of his or her occupations while so confined, and a recommendation as to the kind of work he or she is best fitted to perform and at which he or she is most likely to succeed when and if he or she is released;

(5) The educational programs in which the person has participated and the level of education which the person has attained based on standardized reading tests; ~~and~~

(6) The written statements or oral testimony, if any, of the district attorney of the circuit in which the person was sentenced expressing views and making any recommendation as to a pardon for a serious offense, as such term is defined in Code Section 42-9-42, or commutation of a death sentence;

~~(6)~~(7) The written, oral, audiotaped, or videotaped testimony of the victim, the victim's family, or a witness having personal knowledge of the victim's personal characteristics, including any information prepared by the victim or any individual offering or preparing information on behalf of the victim, for the purpose of the board's consideration of a pardon or commutation of a death sentence if the victim has provided such information to the board; and

(8) If the person is or was required to register pursuant to Code Section 42-1-12, any court order issued releasing the person from registration requirements or residency or employment restrictions.

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

(A) 'Debilitating terminal illness' means a disease that cannot be cured or adequately treated and that is reasonably expected to result in death within 12 months.

(B) 'Entirely incapacitated' means an offender who:

(i) Requires assistance in order to perform two or more necessary daily life functions or who is completely immobile; and

(ii) Has such limited physical or mental ability, strength, or capacity that he or she poses an extremely low risk of physical threat to others or to the community.

(C) 'Necessary daily life function' means eating, breathing, dressing, grooming, toileting, walking, or bathing.

(2) The board may issue a medical reprieve to an entirely incapacitated person suffering a progressively debilitating terminal illness in accordance with Article IV, Section II, Paragraph II of the Constitution.

(c)(1) The board shall give at least 30 days' advance written notification to the district attorney of the circuit in which the person was sentenced whenever it considers making a final decision on a pardon for a serious offense, as such term is defined in Code Section 42-9-42, and shall provide the district attorney an opportunity to submit information and file a written objection to such action.

(2) Within 72 hours of receiving a request to commute a death sentence, the board shall provide written notification to the district attorney of the circuit in which the person was sentenced of the date set for hearing such request and shall provide the district attorney an opportunity to submit information and file a written response to such request.

(3) The board may also make such other investigation as it may deem necessary in order to be fully informed about the person.

(d)(1) Before releasing any person on parole, granting a pardon, or commuting a death sentence, the board may have the person appear before it and may personally examine him or her~~. Thereafter, upon consideration~~ and consider any information it deems relevant or necessary. When objections to relief have been tendered, the board may hold a hearing and consider oral testimony. Upon consideration of the records, papers, documents, and oral testimony submitted, the board shall make its findings and determine whether or not such person shall be granted a pardon, parole, or other relief within the power of the board~~;~~ and ~~the board shall~~ determine the terms and conditions thereof.

(2) Notice of the board's determination shall be given to ~~such person and to~~ the person being considered, the correctional official having him or her in custody, if applicable, the district attorney who submitted any information or objection, and the victim in accordance with Code Section 17-17-13.

(e) If a person in custody is granted a pardon or a parole, the correctional ~~officials~~ official having ~~the~~ such person in custody, upon notification thereof, shall inform him or her of the terms and conditions thereof and shall, in strict accordance therewith, release the person.

~~(f) The board shall send written notification of the parole decision to the victim or, if the victim is no longer living, to the family of the victim.~~"

SECTION 5.

Said chapter is further amended by revising Code Section 42-9-46, relating to cases in which inmate has failed to serve time required for automatic initial consideration, as follows:

"42-9-46.

Notwithstanding any other provisions of law to the contrary, if the board is to consider any case in which an inmate has failed to serve the time required by law for automatic initial consideration, the board shall notify in writing, at least ten days prior to consideration, the sentencing judge, the district attorney of the county in which the person was sentenced, and any victim of crimes against the person or, if such victim is deceased, the spouse, children, or parents of the deceased victim if such person's ~~name and address are~~ contact information is provided ~~on the impact statement~~ pursuant to Code Section ~~17-10-1.1~~ 17-17-13. The sentencing judge, district attorney, or victim or, if such victim is deceased, the spouse, children, or parents of the deceased victim may appear at a hearing held by the board or make a written statement to the board expressing their views and making their recommendation as to whether the person should be paroled."

SECTION 6.

Said chapter is further amended by revising Code Section 42-9-47, relating to notification of decision to parole inmate, as follows:

"42-9-47.

Within 72 hours after the board reaches a final decision to parole an inmate, the district attorney, the presiding judge, the sheriff of each county in which the inmate was tried, convicted, and sentenced, the local law enforcement authorities of the county of the last residence of the inmate prior to incarceration, and the victim of crimes against the person shall be notified of the decision by the chairman of the board. Such notice to the victim shall be mailed or e-mailed to the victim's address ~~as~~ if such information is provided ~~for in subsection (c) of~~ pursuant to Code Section ~~17-10-1.1~~ 17-17-13. Failure of the ~~prosecuting attorney to provide an address of the victim or failure of the~~ victim to inform the board of a change of address shall not void a parole date set by the board."

SECTION 7.

Said chapter is further amended by revising subsection (b) of Code Section 42-9-53, relating to preservation of documents, classification of information and documents, divulgence of confidential state secrets, and conduct of hearings, as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection and subsection (d) of this Code section, all ~~All~~ information, both oral and written, received by the members of the board in the performance of their duties under this chapter and all records, papers, and documents coming into their possession by reason of the performance of

their duties under this chapter shall be classified as confidential state secrets until declassified by the board~~; provided, however, that the~~. In making a determination as to whether any information, records, papers, or documents in the possession of the board should be declassified, the board shall consider whether declassification of such materials would assist law enforcement or aid in the protection of the public and whether, in the board's judgment, the public benefit of declassifying such information outweighs other considerations relative to confidentiality and privacy.

(2) The board shall ~~be authorized to~~ disclose, upon request:

(A) To ~~to~~ an alleged violator of parole or conditional release, the evidence introduced against him or her at a final hearing on the matter of revocation of parole or conditional release; ~~provided, further, that the board may make supervision~~

(B) Supervision records of the board ~~available~~ to probation officials employed with the Department of Corrections and the Sexual Offender Registration Review Board, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the board;

(C) Information as provided in paragraph (3) of subsection (b) of Code Section 42-9-42; and

(D) Any other information which has been declassified by the board."

SECTION 8.

Code Section 50-13-9.1 of the Official Code of Georgia Annotated, relating to variance or waiver to rules, is amended by revising subsection (h) as follows:

"(h) This Code section shall not apply, and no variance or waiver shall be sought or authorized, when:

(1) Any agency rule or regulation has been adopted or promulgated in order to implement or promote a federally delegated program;

(2) Any rule or regulation is promulgated or adopted by the Department of Corrections concerning any institutional operations or inmate activities;

~~(3) Any rule or regulation is promulgated or adopted by the State Board of Pardons and Paroles regarding clemency considerations and actions;~~

~~(4)~~(3) Any rule or regulation is promulgated or adopted by the Department of Community Health;

~~(5)~~(4) Any rule or regulation is promulgated or adopted by the Department of Agriculture;

~~(6)~~(5) Any rules, regulations, standards, or procedures are adopted or promulgated by the Department of Natural Resources for the protection of the natural resources, environment, or vital areas of this state; or

~~(7)~~(6) The granting of a waiver or variance would be harmful to the public health, safety, or welfare."

SECTION 9.

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

Representative Tanner of the 9th moved that the House agree to the Senate substitute to HB 71.

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

Y Abrams	Y Coomer	N Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	N Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	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	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	N Sims	Ralston, Speaker

On the motion, the ayes were 170, nays 3.

The motion prevailed.

HB 524. By Representative Fleming of the 121st:

A BILL to be entitled an Act to amend Code Section 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade names, so as to require registration of trade names with the clerk of superior

court; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to establish a trade name registry; to provide for duties of clerks of superior courts; to provide for fees; to correct cross-references; to provide for an automatic repeal; to provide for revised fees on and after January 1, 2021; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade names, so as to require registration of trade names with the clerk of superior court; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to establish a trade name registry; to provide for duties of clerks of superior courts; to provide for fees; to correct cross-references; to provide for an automatic repeal; to provide for revised fees on and after January 1, 2021; 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 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade names, is amended as follows:

"10-1-490.

(a) Beginning on July 1, 2015, every ~~Every~~ person, firm, or partnership carrying on in this state any trade, ~~or~~ business, or profession under any trade name or partnership name or other name which does not disclose the individual ownership of the trade, business, or profession carried on under such name shall, within 30 days ~~from March 29, 1937, or thereafter~~ before commencing to do business, file in the office of the clerk of the superior court of the county in which the business is chiefly carried on or, in the case of a domestic corporation using any name other than its corporate name, in the county of its legal domicile, a standardized registration statement~~, verified by~~ and an affidavit, using forms created by the Georgia Superior Court Clerks' Cooperative Authority and setting forth the name or names and addresses of the person, persons, firm, or partnership owning and carrying on said trade or business and stating the nature of the business being carried on and the trade, partnership, or other name used and shall, upon any change of ownership, likewise file a new and amended statement of

registration. Notice of such filing giving the names and addresses of each person, firm, or partnership to engage in business under such trade name or partnership name shall be delivered to and published in the ~~paper in which the sheriff's advertisements are printed~~ legal organ of the appropriate county once a week for two weeks. No person, firm, or partnership already registered shall be required to reregister except in the event of a change of ownership. For the purpose of including a trade or business name registered prior to July 1, 2015, but not included in the trade name registry provided for in Code Section 15-6-97, such trade or business name may be reregistered for inclusion in such registry. Such reregistration shall not adversely affect the date of filing of any previous registration. The total fee for reregistration shall be as provided in subparagraph (g)(10)(B) of Code Section 15-6-77, and the fees provided for by Code Sections 15-21A-6 and 15-21A-6.1 shall not apply.

(b) Beginning on July 1, 2015, ~~The clerk shall register the same by filing~~ the verified statement ~~in his office and shall keep an alphabetical index of all such registrations in a permanent record book to be kept in his office, the index to show the trade, partnership, or other name registered and in connection therewith the names of the owners. The applicant for registration shall accompany each registration statement with the fee prescribed by Code Section 15-6-77, relating to fees of clerks of the superior courts, as amended~~ shall be completed by the registrant and filed with the proper clerk of superior court. Upon payment by the registrant of the fee required in subparagraph (g)(10)(A) of Code Section 15-6-77, excluding costs for publication paid to the county legal organ, the clerk of such superior court shall file, process, and record the verified statement in an automated system.

(c) A copy of the verified statement required by subsection (b) of this Code section shall be transmitted:

(1) Electronically by the clerk of superior court to the Georgia Superior Court Clerks' Cooperative Authority pursuant to paragraph (15.1) of subsection (a) of Code Section 15-6-61; and

(2) By the registrant to the county or municipal governmental agency that issues business licenses within ten days before the registrant commences to do business.

(d) When a person, firm, or partnership that has filed a trade name registration statement pursuant to this Code section ceases to carry on in this state the trade, business, or profession under the registered trade name, such person, firm, or partnership may cancel the trade name by filing with the clerk of the superior court in which the trade name was registered a completed affidavit to be provided by the Georgia Superior Court Clerks' Cooperative Authority. There shall be no fee for cancellation of a trade name registration."

SECTION 1-2.

Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, is amended in subsection (a) of Code Section 15-6-61, relating to duties of clerks of superior courts, by adding a new paragraph to read as follows:

"(15.1) To participate in any network established by the Georgia Superior Court Clerks' Cooperative Authority pursuant to Code Section 15-6-97 for the purposes of providing public electronic access to trade name registrations. Each clerk of superior court shall provide to the authority or its designated agent, in accordance with any applicable rules and regulations of the authority, such documents and other information necessary to evidence all trade name registrations, reregistrations, and cancellations filed in his or her office as required by Code Section 10-1-490."

SECTION 1-3.

Said article is further amended by revising paragraph (10) of subsection (g) of Code Section 15-6-77, relating to fees, as follows:

"(10) Trade names:

(A) Registering and filing trade names ~~pursuant to Code Section 10-1-490~~ 15.00

(B) Reregistering an existing trade name in the trade name registry..... 15.00

This paragraph shall stand repealed effective December 31, 2020."

SECTION 1-4.

Said article is further amended by revising Code Section 15-6-97, relating to the development and implementation of a state-wide uniform automated information system, as follows:

"15-6-97.

(a)(1) The Georgia Superior Court Clerks' Cooperative Authority or its designated agent shall develop and implement a state-wide uniform automated information system for real and personal property records, excluding filings made pursuant to Article 9 of Title 11. ~~In furtherance of development and implementation of the system, the authority shall have the ability to contract with the clerks of superior courts and any other parties that the authority deems necessary. The Georgia Superior Court Clerks' Cooperative Authority shall have authority to implement rules and regulations necessary to develop and implement the system described in this Code section.~~

(2) The Georgia Superior Court Clerks' Cooperative Authority or its designated agent shall develop and implement a uniform automated information system for trade names registered in the offices of the clerks of superior court of this state pursuant to Code Section 10-1-490.

(b) In furtherance of development and implementation of the systems provided for in this Code section, the Georgia Superior Court Clerks' Cooperative Authority shall have the ability to contract with the clerks of superior courts and any other parties that the authority deems necessary. The Georgia Superior Court Clerks' Cooperative Authority shall create standardized forms for use in connection with filings pursuant to Code Section 10-1-490 and shall have the authority to develop rules and regulations

necessary for the usage of such forms and to implement the systems described in this Code section.

~~(b)~~(c) The Georgia Superior Court Clerks' Cooperative Authority shall have the following powers and duties in addition to those otherwise provided by law:

(1) To provide for the collection of moneys;

(2) To manage, control, and direct such funds and the expenditures made therefrom;

(3) To distribute the moneys at the discretion of the authority in such manner and subject to such terms and limitations as the Georgia Superior Court Clerks' Cooperative Authority in its discretion shall determine will best further the public purpose of the authority; and

(4) To exercise all other powers necessary for the development and implementation of the ~~system~~ systems provided for in this Code section."

SECTION 1-5.

Said article is further amended by revising subsection (b) of Code Section 15-6-98, relating to collection of fees and remittance of real estate and personal property fees to the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"(b) From the fees enumerated in division (f)(1)(A)(i) and paragraph (10) of subsection (g) of Code Section 15-6-77, the Georgia Superior Court Clerks' Cooperative Authority shall collect from each clerk of superior court $5.00 from each fee collected. This subsection shall stand repealed effective December 31, 2020."

SECTION 1-6.

Said article is further amended by revising subsection (a) of Code Section 15-6-99, relating to the re-creation of grantor and grantee indexes, as follows:

"(a) The Georgia Superior Court Clerks' Cooperative Authority is authorized to re-create grantor and grantee indexes that exist prior to January 1, 1999, in each county for the purpose of providing information and history concerning real property records for the state-wide uniform automated information system provided for in paragraph (1) of subsection (a) of Code Section 15-6-97. The number of prior year indexes to be re-created shall be determined by the Georgia Superior Court Clerks' Cooperative Authority in cooperation with the clerks of the superior courts who shall provide copies of such county indexes or access to copies of such indexes for re-creating such indexes. A copy of the re-created index shall be furnished to each county but shall not replace or supersede the original county index."

PART II
SECTION 2-1.

Said article is further amended in subsection (g) of Code Section 15-6-77, relating to fees, by enacting a new paragraph (10) to read as follows:

"(10) Trade names:

(A) Registering and filing trade names 15.00

(B) Reregistering an existing trade name in the trade name registry..... 15.00"

SECTION 2-2.

Said article is further amended in Code Section 15-6-98, relating to collection of fees and remittance of real estate and personal property fees to the Georgia Superior Court Clerks' Cooperative Authority, by enacting a new subsection (b) to read as follows:

"(b) From the fees enumerated in division (f)(1)(A)(i) of Code Section 15-6-77, the Georgia Superior Court Clerks' Cooperative Authority shall collect from each clerk of superior court $5.00 from each fee collected."

PART III
SECTION 3-1.

(a) Parts I and III of this Act shall become effective on July 1, 2015.
(b) Part II of this Act shall become effective on January 1, 2021.

SECTION 3-2.

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

Representative Fleming of the 121st moved that the House agree to the Senate substitute to HB 524.

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
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	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	Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	N Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	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 LaRiccia	Y Rogers, C	Y Wilkerson
Y 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	Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	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 motion, the ayes were 167, nays 3.

The motion prevailed.

HB 374. By Representatives Nix of the 69th, Shaw of the 176th, Carter of the 175th, England of the 116th, Williams of the 119th and others:

A BILL to be entitled an Act to amend Part 5 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to an exemption from ad valorem taxation for certain farm equipment held for sale in dealer inventory, so as to provide for additional qualifications; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to clarify an exemption for certain leased farm equipment; to amend Part 5 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to an exemption from ad valorem taxation for certain farm equipment held for sale in dealer inventory, so as to provide for additional qualifications; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, is amended by revising subsection (c) of Code Section 48-5-41.1, relating to an exemption for qualified farm products, as follows:

"(c)(1) As used in this subsection, the term 'lease purchase agreement' means a financing agreement under which:

(A) A family owned qualified farm products producer has possession and control of farm tractors, combines, or other farm equipment other than motor vehicles equipment and uses such farm equipment directly in the production of agricultural products; and

(B) The payments made pursuant to such financing agreement are credited towards the purchase of such farm equipment.

(2) Farm tractors, combines, and all other farm equipment other than motor vehicles, whether fixed or mobile, which are owned by or held under a lease purchase agreement and directly used in the production of agricultural products by family owned qualified farm products producers shall be exempt from all ad valorem property taxes in this state."

SECTION 2.

Part 5 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to an exemption from ad valorem taxation for certain farm equipment held for sale in dealer inventory, is amended by revising Code Section 48-5-504, relating to self-propelled farm equipment as a subclassification of motor vehicle for ad valorem taxation purposes, as follows:

"48-5-504.

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

(1) 'Dealer' means any person who is engaged in the business of selling farm equipment at retail.

(2) 'Farm equipment' means any vehicle as defined in Code Section 40-1-1 which is self-propelled and which is designed and used primarily for agricultural, horticultural, forestry, or livestock raising operations.

(b) Self-propelled farm equipment which is owned by a dealer and held in inventory for sale or resale shall constitute a separate subclassification of motor vehicle within the motor vehicle classification of tangible property for ad valorem taxation purposes. The procedures prescribed in this chapter for returning self-propelled farm equipment for ad valorem taxation, determining the application rates for taxation, and collecting the ad valorem taxes imposed on self-propelled farm equipment do not apply to self-propelled farm equipment which is owned by a dealer and held in inventory for sale or resale. Such self-propelled farm equipment which is owned by a dealer and held in inventory for sale or resale shall not be returned for ad valorem taxation, shall not be taxed, and no taxes shall be collected on such self-propelled farm equipment until it is transferred and then otherwise, if at all, becomes subject to taxation as provided in this chapter."

SECTION 3.

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

Representative Nix of the 69th moved that the House agree to the Senate substitute to HB 374.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E 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	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y 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
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 motion, the ayes were 171, nays 3.

The motion prevailed.

The Speaker announced the House in recess until 7:00 o'clock, this evening.

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Harper of the 7th, Watson of the 1st, and Tolleson of the 20th.

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

HB 206. By Representatives Harrell of the 106th, Lumsden of the 12th, Hitchens of the 161st, Rutledge of the 109th and Holcomb of the 81st:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to provide for procedure for passing sanitation vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 341. By Representatives Maxwell of the 17th, Taylor of the 79th, Gravley of the 67th and Frye of the 118th:

A BILL to be entitled an Act to amend Code Section 8-2-26.1 of the Official Code of Georgia Annotated, relating to definitions and requirements regarding state building, plumbing, and electrical codes, so as to provide that certain qualified inspectors may be certified by the Building Officials' Association of

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

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

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

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

SB 8. By Senators Unterman of the 45th, Butler of the 55th, Miller of the 49th and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 3 of Title 9, Chapter 21 of Title 15, Title 16, and Article 1 of Chapter 5 of Title 49 of the O.C.G.A., relating to limitations of actions, payment and disposition of fines and forfeitures, crimes and offenses, and children and youth services, respectively, so as to make provisions for children who have been sexually exploited; to provide for related matters; to provide for an effective date and contingent effective date; to repeal conflicting laws; and for other purposes.

SB 122. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 48-8-111 of the Official Code of Georgia Annotated, relating to the procedure for implementing a special purpose local option sales tax, so as to provide for an additional purpose for use of the proceeds of the tax; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 195. By Senators Williams of the 27th, Stone of the 23rd, Ligon, Jr. of the 3rd, Hill of the 4th and Gooch of the 51st:

A BILL to be entitled an Act to amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to increase fees allowed for continuing education programs; to require bench warrants to be issued at the end of each court day; to provide for notices to be delivered and obtained using e-mail; to change provisions relating to

principals who do not appear for court; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 213. By Representatives Jacobs of the 80th, Roberts of the 155th, Smyre of the 135th, Geisinger of the 48th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for a permanent suspension of restrictions on the use of sales and use tax proceeds upon the submission of an independent management audit to certain officials; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following resolution of the Senate:

SR 7. By Senators Unterman of the 45th, Butler of the 55th, Miller of the 49th and Hill of the 32nd:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly by general law may impose additional penalties or fees for the offenses of prostitution, keeping a place of prostitution, pimping, pandering, pandering by compulsion, solicitation of sodomy, masturbation for hire, trafficking of persons for sexual servitude, sexual exploitation of children, and sodomy; to provide for related matters; and for other purposes.

Mr. Speaker:

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

SB 138. By Senators Miller of the 49th, Dugan of the 30th, Hill of the 32nd, Kennedy of the 18th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Title 49 of the Official Code of Georgia Annotated, relating to social service; to repeal a provision relating to the Council for Welfare Administration; 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 and Senate:

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

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

HB 95. By Representatives Tanner of the 9th, England of the 116th, Peake of the 141st, Carter of the 175th, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Code Section 36-83-8 of the Official Code of Georgia Annotated, relating to the local government investment pool, so as to provide for a trust fund managed by the state treasurer; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 275. By Representatives Strickland of the 111th, Ramsey of the 72nd, Harrell of the 106th, Knight of the 130th, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to setoff debt collection relative to income taxes, so as to revise the definition of the term "claimant agency"; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 288. By Representatives Dempsey of the 13th, Tanner of the 9th, Epps of the 144th, Gardner of the 57th, Reeves of the 34th and others:

A BILL to be entitled an Act to amend Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral Health Coordinating Council, membership, meetings and obligations, so as to provide for two additional members to serve on the behavioral health coordinating council; to repeal conflicting laws; and for other purposes.

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

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.

Mr. Speaker:

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

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 Resolutions of the House were read and adopted:

HR 949. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Award of Honor recipient, Ruth Price Forrester; and for other purposes.

HR 950. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Award of Honor recipient, Chris Carey; and for other purposes.

HR 951. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Business Community Service Award recipient, The Darlington School; and for other purposes.

HR 952. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Young Heart Award of Honor recipient, Ali Freeman; and for other purposes.

HR 953. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Award of Honor recipient, Randy Quick; and for other purposes.

HR 954. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Award of Honor recipient, Evelyn Hamilton; and for other purposes.

HR 955. By Representatives Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing Loving Hearts, Helping Hands: 2015 Heart of the Community Employee Community Service Award recipient, Coosa Valley Credit Union; and for other purposes.

The following Bill of the Senate was taken up for the purpose of considering the Senate action thereon:

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and

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

Representative Greene of the 151st moved that the House adhere to its position in insisting on its substitute to SB 100 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives Greene of the 151st, Tanner of the 9th and Rogers of the 10th.

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

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 report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 4

The Committee of Conference on SB 4 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 4 be adopted.

Respectfully submitted,

FOR THE SENATE:

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Steve Gooch
Senator, 51st District

/s/ Frank Ginn
Senator, 47th District

/s/ Brandon Beach
Senator, 21st District

/s/ Mark Hamilton
Representative, 24th District

/s/ Wendell Willard
Representative, 51st District

/s/ Beth Beskin
Representative, 54th District

A BILL TO BE ENTITLED
AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide for the priority of certain liens regarding assessments for downtown development authorities; 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.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new Code section to Chapter 42, relating to downtown development authorities, to read as follows:

"36-42-17.

A lien for any assessment under Code Section 36-42-16 that relates to any project under subparagraph (B) of paragraph (6) of Code Section 36-42-3 shall have the same priority as municipal liens under paragraph (4) of subsection (b) and subparagraph (g)(2)(B) of Code Section 48-2-56."

SECTION 2.

Said title is further amended by revising paragraphs (17) and (19) through (22) and adding two new paragraphs to Code Section 36-61-2, relating to definitions relative to urban redevelopment for counties and municipal corporations, 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; provided that 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; and provided, further, that the project is within one-half mile of a transportation/communications/utilities corridor, which has been designated by the local governing body on or before January 1, 2015, or within the boundaries of a tax allocation district authorized under the provisions of Chapter 44 of this title in effect as of January 1, 2015.

(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 3.

Said title 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; and

(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."

SECTION 4.

Said title 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 5.

Said title 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 redevelopers 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 6.

Said title 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 7.

Said title 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 8.

Said title 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 9.

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 10.
All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Quick of the 117th was excused from voting on SB 4.

Representative Hamilton of the 24th moved that the House adopt the report of the Committee of Conference on SB 4.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	O'Neal	Y Stephens, R
Y 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	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	N 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	Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson

Y Chandler	E Geisinger	Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the motion, the ayes were 166, nays 2.

The motion prevailed.

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

HB 268. By Representatives Ballinger of the 23rd, Chandler of the 105th, Clark of the 101st, Oliver of the 82nd, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse and when it is mandated or authorized, so as to change provisions relating to mandatory reporters; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse and when it is mandated or authorized, so as to change provisions relating to mandatory reporters; to provide for procedure; to provide for consistent usage of defined terms; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse and when it is mandated or authorized, is amended by revising subsections (a), (c), (d), and (e) as follows:

"(a) The purpose of this Code section is to provide for the protection of children ~~whose health and welfare are adversely affected and further threatened by the conduct of those responsible for their care and protection~~. It is intended that ~~the~~ mandatory reporting ~~of~~

~~such cases~~ will cause the protective services of the state to be brought to bear on the situation in an effort to prevent ~~further~~ abuses, to protect and enhance the welfare of ~~these~~ children, and to preserve family life wherever possible. This Code section shall be liberally construed so as to carry out the purposes thereof."

"(c)(1) The following persons having reasonable cause to believe that ~~a child has been abused~~ suspected child abuse has occurred shall report or cause reports of ~~that~~ such abuse to be made as provided in this Code section:

(A) Physicians licensed to practice medicine, physician assistants, interns, or residents;

(B) Hospital or medical personnel;

(C) Dentists;

(D) Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

(E) Podiatrists;

(F) Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 26 of Title 43 or nurse's aides;

(G) Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;

(H) School teachers;

(I) School administrators;

(J) School ~~guidance~~ counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;

(K) Child welfare agency personnel, as ~~that~~ such agency is defined ~~pursuant to~~ in Code Section 49-5-12;

(L) Child-counseling personnel;

(M) Child service organization personnel;

(N) Law enforcement personnel; or

(O) Reproductive health care facility or pregnancy resource center personnel and volunteers.

(2) If a person is required to report child abuse pursuant to this subsection because ~~that~~ such person attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, ~~that~~ such person shall notify the person in charge of ~~the~~ such hospital, school, agency, or facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, or modification~~,~~ or make any other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(3) When a person identified in paragraph (1) of this subsection has reasonable cause to believe that child abuse has occurred involving a person who attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, the person who received such information shall notify the person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, or modification or make any other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(d) Any other person, other than one specified in subsection (c) of this Code section, who has reasonable cause to believe that ~~a child is abused~~ suspected child abuse has occurred may report or cause reports to be made as provided in this Code section.

(e) With respect to reporting required by subsection (c) of this Code section, an ~~An~~ oral report by telephone or other oral communication or a written report by electronic submission or facsimile shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe ~~a child has been abused, by telephone or otherwise and~~ that suspected child abuse has occurred. When a report is being made by electronic submission or facsimile to the Division of Family and Children Services of the Department of Human Services, it shall be done in the manner specified by the division. Oral reports shall be followed by a later report in writing, if requested, to a child welfare agency providing protective services, as designated by the Division of Family and Children Services of the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital employees or volunteers, physicians, law enforcement personnel, school officials, or employees or volunteers of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photographs shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority."

SECTION 2.

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

Representative Ballinger of the 23rd moved that the House agree to the Senate substitute to HB 268.

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

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

On the motion, the ayes were 167, nays 0.

The motion prevailed.

HB 426. By Representatives Taylor of the 173rd, Smyre of the 135th, Stephens of the 164th, Abrams of the 89th, Sims of the 123rd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide a new exemption from state sales and use tax only for a limited period of time regarding the sale or use of tangible personal property to certain nonprofit health centers; to provide a new exemption for a limited period of time with respect to certain nonprofit volunteer health clinics; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide a new exemption from state sales and use tax only for a limited period of time regarding the sale or use of tangible personal property to certain nonprofit health centers; to provide a new exemption for a limited period of time with respect to certain nonprofit volunteer health clinics; to create an exemption for certain food and food ingredients; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by revising paragraphs (7.05) and (7.3) as follows:

"(7.05)(A) For the period commencing on July 1, ~~2008~~ 2015, and ending on June 30, ~~2010~~ 2018, sales of tangible personal property to a nonprofit health center in this state which has been established under the authority of and is receiving funds pursuant to the United States Public Health Service Act, 42 U. S. C. Section 254b if such health clinic obtains an exemption determination letter from the commissioner.

(B)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or pursuant to Article 2, 2A, 3, or 4 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(C) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, any taxpayer seeking to claim the exemption provided for within subparagraph (A) of this paragraph shall electronically submit to the department, at the time of application

for the exemption and any such annual renewal, the total number of patients treated in the previous calendar year, the average monthly number of full-time employees, and the total amount of exempt purchases made by the taxpayer in the preceding calendar year. The department shall then issue a report to the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee detailing the total number of patients treated, average monthly number of full-time employees, and the total amount of sales and use tax exempted sales for the previous calendar year, by June 30 each year;"

"(7.3)(A) For the period commencing July 1, ~~2008~~ 2015, and ending June 30, ~~2010~~ 2018, sales of tangible personal property and services to a nonprofit volunteer health clinic which primarily treats indigent persons with incomes below 200 percent of the federal poverty level and which property and services are used exclusively by such volunteer health clinic in performing a general treatment function in this state when such volunteer health clinic is a tax exempt organization under the Internal Revenue Code and obtains an exemption determination letter from the commissioner.

(B) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, any taxpayer seeking to claim the exemption provided for within subparagraph (A) of this paragraph shall electronically submit to the department, at the time of application for the exemption and any such annual renewal, the total number of patients treated in the previous calendar year, the average monthly number of full-time employees, and the total amount of exempt purchases made by the taxpayer in the preceding calendar year. The department shall then issue a report to the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee detailing the total number of patients treated, average monthly number of full-time employees, and the total amount of sales and use tax exempted sales for the previous calendar year, by June 30 each year;"

SECTION 1A.

Said Code section is further amended by revising paragraphs (57.2) and (57.3) as follows:

"(57.2)(A) For the period commencing July 1, ~~2007~~ 2015, and ending on June 30, ~~2011~~ 2020, the use of ~~prepared~~ food and food ingredients which is donated to a qualified nonprofit agency and which is used for hunger relief purposes.

(B) As used in this paragraph, the term 'qualified nonprofit agency' means any entity which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and which provides hunger relief.

(C) For the purposes of this paragraph, the term 'food and food ingredients' as defined in Code Section 48-8-2 shall not include drugs or over-the-counter drugs.

(D) The commissioner is authorized to promulgate rules and regulations deemed necessary in order to administer and effectuate this paragraph;

(57.3)(A) For the period commencing July 1, ~~2007~~ 2015, and ending on June 30, ~~2011~~ 2020, the use of ~~prepared~~ food and food ingredients which is donated following a natural disaster and which is used for disaster relief purposes.

(B) For the purposes of this paragraph, the term 'food and food ingredients' as defined in Code Section 48-8-2 shall not include drugs or over-the-counter drugs.
(C) The commissioner is authorized to promulgate rules and regulations deemed necessary in order to administer and effectuate this paragraph;"

SECTION 2.
This Act shall become effective on July 1, 2015.

SECTION 3.
All laws and parts of laws in conflict with this Act are repealed.

Representative Taylor of the 173rd moved that the House agree to the Senate substitute to HB 426.

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

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

On the motion, the ayes were 168, nays 0.

The motion prevailed.

HB 436. By Representatives Clark of the 101st, Cooper of the 43rd, Sims of the 123rd, Kaiser of the 59th, Hawkins of the 27th and others:

A BILL to be entitled an Act to amend Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, so as to require that physicians and health care providers offer HIV and syphilis testing of pregnant women in their third trimester of pregnancy; to provide for refusal of testing by a pregnant woman; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, so as to require that physicians and health care providers offer HIV and syphilis testing of pregnant women in their third trimester of pregnancy; to provide for refusal of testing by a pregnant woman; to amend Chapter 22 of Title 31 of the Official Code of Georgia Annotated, relating to clinical laboratories, so as to eliminate the requirement for counseling by a health care provider prior to ordering an HIV test; to amend Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of certain medical acts to advanced practice registered nurses, so as to revise provisions relating to the number of advanced practice registered nurses a delegating physician can enter into a protocol agreement with at any one time; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, is amended by revising Code Section 31-17-4.2, relating to HIV Pregnancy Screening, as follows:

"31-17-4.2.

(a) This Code section shall be known and may be cited as the 'Georgia HIV/Syphilis Pregnancy Screening Act of ~~2007~~ 2015.'

(b) Every physician and health care provider who assumes responsibility for the prenatal care of a pregnant ~~women~~ woman during gestation and at delivery shall be required to test such pregnant ~~women~~ woman for HIV and syphilis except in cases

where the woman refuses the testing. Additionally, every physician and health care provider who provides prenatal care of a pregnant woman during the third trimester of gestation shall offer to test such pregnant woman for HIV and syphilis at the time of first examination during that trimester or as soon as possible thereafter, regardless of whether such testing was performed during the first two trimesters of her pregnancy.

(c) If at the time of delivery there is no written evidence that an HIV test or a syphilis test has been performed, the physician or other health care provider in attendance at the delivery shall order that a ~~sample of the woman's blood be taken or a rapid oral test~~ test for HIV, syphilis, or both be administered at the time of the delivery except in cases where the woman refuses the testing; provided, however, that if available documentation indicates that a test for HIV and syphilis was already performed during the third trimester of her pregnancy in accordance with subsection (b) of this Code section, and the woman does not disclose when questioned any activities posing a risk for infection with HIV or syphilis occurring more recently than would have been detected by such test, the physician or health care provider in attendance at the delivery is not required to order such additional test.

(d) The woman shall be informed of the test to be conducted and her right to refuse. A pregnant woman shall submit to an HIV test and a syphilis test pursuant to this Code section unless she specifically declines. If the woman tests positive for HIV or syphilis, counseling services provided by the Department of Public Health shall be made available to her and she shall be referred to appropriate medical care providers for herself and her child.

(e) If for any reason the pregnant woman is not tested for HIV and syphilis, that fact shall be recorded in the patient's records, which, if based upon the refusal of the patient, shall relieve the physician or other health care provider of any other responsibility under this Code section.

(f) The Department of Public Health shall be authorized to promulgate rules and regulations for the purpose of administering the requirements under this Code section."

SECTION 2.

Chapter 22 of Title 31 of the Official Code of Georgia Annotated, relating to clinical laboratories, is amended by revising subsection (c) and paragraph (1) of subsection (g) of Code Section 31-22-9.2, relating to HIV tests, as follows:

"(c) Unless exempted under this Code section, each health care provider who orders an HIV test for any person shall do so only after ~~counseling~~ notifying the person to be tested. Unless exempted under this subsection, the person to be tested shall have the opportunity to refuse the test. The provisions of this subsection shall not be required if the person is required to submit to an HIV test pursuant to Code Section 15-11-603, 17-10-15, 31-17-4.2, 31-17A-3, 42-5-52.1, or 42-9-42.1. The provisions of this subsection shall not be required if the person is a minor or incompetent and the parent or guardian thereof permits the test after compliance with this subsection. The provisions of this subsection shall not be required if the person is unconscious, temporarily incompetent, or comatose and the next of kin permits the test after compliance with this subsection.

The provisions of this subsection shall not apply to emergency or life-threatening situations. The provisions of this subsection shall not apply if the physician ordering the test is of the opinion that the person to be tested is in such a medical or emotional state that disclosure of the test would be injurious to the person's health. The provisions of this subsection shall only be required prior to drawing the body fluids required for the HIV test and shall not be required for each test performed upon that fluid sample."

"(1) If the patient or the patient's representative, if the patient is a minor, otherwise incompetent, or unconscious, does not refuse the test after being notified that the test is to be ordered and after having been provided ~~counseling and~~ an opportunity to refuse the test; or"

SECTION 2A.

Code Section 43-34-25 of the Official Code of Georgia Annotated, relating to delegation of certain medical acts to advanced practice registered nurses, is amended by adding a new paragraph to subsection (g) to read as follows:

"(4.1) In any community service board;"

SECTION 3.

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

Representative Clark of the 101st moved that the House agree to the Senate substitute to HB 436.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N 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
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Stover
Y Bennett	E Drenner	Y Howard	Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Y Burns	E Fleming	Y Kelley	Y Randall	Y Waites

Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	N Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y 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	E Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	E Hamilton	Y McClain	Sims	Ralston, Speaker

On the motion, the ayes were 156, nays 10.

The motion prevailed.

HB 152. By Representatives Duncan of the 26th, Dudgeon of the 25th, Tankersley of the 160th, Martin of the 49th, Frye of the 118th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 3 of the O.C.G.A., relating to the regulation of alcoholic beverages generally, so as to impose certain requirements upon holders of certain alcohol licenses and those who issue such licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to prohibit certain conduct related to alcohol; to impose certain requirements upon holders of certain alcohol licenses and those who issue such licenses; to provide for definitions; to change certain provisions relating to notice to the Department of Revenue of violations relating to the sale of alcoholic beverages to underage persons; to require self-reporting of disciplinary actions to the department by persons licensed to manufacture, distribute, or sell alcoholic beverages; to provide for fines and penalties; to provide for the reporting of certain disciplinary actions by counties and municipalities which issue licenses or permits for the manufacture, distribution, or sale of alcoholic beverages; to provide for the state revenue commissioner to promulgate certain rules and regulations; to prohibit individuals under a certain age from being bouncers for or entering certain establishments; to prohibit the manufacture, use, sale, and possession of powdered alcohol; to provide for exceptions; to provide for penalties;

to provide for related matters; to provide for effective dates and applicability; 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 adding a new paragraph to Code Section 3-1-2, relating to definitions, to read as follows:

"(2.1) 'Bar' means any premises at which a retailer licensed pursuant to this title to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises."

SECTION 2.

Said title is further amended by revising Code Section 3-3-2.1, relating to notice to the Department of Revenue of violations relating to the sale of alcoholic beverages to underage persons, as follows:

"3-3-2.1.

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

(1) 'Disciplinary action' means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

(2) 'Governmental entity' means the United States government, any state governmental, any local government, and any department, agency, or instrumentality thereof.

(3) 'Licensee' means any person issued a license pursuant to this title by a governmental entity to operate a bar.

(b)(1) Within 45 days of any disciplinary action, the licensee shall notify the department of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the department, using a format to be determined by the department.

(2) The commissioner may impose a fine not to exceed $750.00 for each violation of paragraph (1) of this subsection. A second or subsequent violation of paragraph (1) of this subsection which occurs within three years from the date of the first violation may constitute grounds for the suspension, revocation, or cancellation of such person's license.

(c) Every ~~Whenever any~~ county or municipality which issues ~~permits or~~ licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages ~~is made aware of the fact that the holder of any such permit or license has been convicted of violating paragraph (1) of subsection (a) of Code Section 3-3-23, prohibiting the furnishing of alcoholic beverages to underage persons, or takes any~~ shall by resolution

or ordinance adopt a policy and implement a process by which any disciplinary action against ~~the holder of any such permit or license for violating any state law or local ordinance relating to the sale of alcoholic beverages to underage persons, the county or municipality shall notify~~ a licensee shall be reported to the department ~~of such violation~~ within 45 days of any officer, department, agency, or instrumentality of such county or municipality taking such disciplinary action.

(d) The commissioner shall determine and make available the format for the reporting of disciplinary actions and shall promulgate rules and regulations as to the implementation and use of such reporting method."

SECTION 3.

Said chapter is further amended by revising Code Section 3-3-24.1, relating to definition and penalty, as follows:

"3-3-24.1.

~~Reserved.~~ (a) As used in this Code section, the term 'bouncer' means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.

(b) No person shall allow or require an individual under the age of 21 to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under this title.

(c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older unless to attend a musical performance or concert or presentation of the performing arts."

SECTION 4.

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

"3-3-34.

(a) For purposes of this Code section, the term 'powdered alcohol' means a powdered or crystalline substance that contains any amount of alcohol for direct use or reconstitution.

(b)(1) No person shall manufacture, use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol.

(2) No person licensed or issued a permit pursuant to this title shall use powdered alcohol as an alcoholic beverage or use powdered alcohol to create an alcoholic beverage.

(c) This Code section shall not apply to the use of powdered alcohol for bona fide research purposes by a:

(1) Health care provider that operates primarily for the purpose of conducting scientific research;

(2) State institution;

(3) Private college or university; or

(4) Pharmaceutical or biotechnology company.

(d) Any person convicted of a violation of this Code section shall be guilty of a misdemeanor.
(e) Any violation of this Code section by a person licensed or issued a permit pursuant to this title shall constitute grounds for the suspension and revocation of any and all of such licenses and permits issued to such person."

SECTION 5.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2016.
(b) Section 4 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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

The following amendment was read and adopted:

Representative Duncan of the 26th offers the following amendment:

Amending the Senate substitute to HB 152 (HB 152/SCSFA/2) by deleting lines 46 and 47 and inserting in lieu thereof the following:

(c) Every ~~Whenever any~~ county or municipality which issues ~~permits or~~ licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages ~~is made~~

By adding a period at the end of line 71.

By deleting line 72 and inserting in lieu thereof the following:

This subsection shall not apply to an individual while he or she is attending a live musical concert or live presentation of the performing arts for which he or she has paid an admission charge."

Representative Duncan of the 26th moved that the House agree to the Senate substitute, as amended by the House, to HB 152.

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
N 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	Nix	N Spencer
E Barr	Y Dickerson	N Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R

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

On the motion, the ayes were 151, nays 13.

The motion prevailed.

HB 63. By Representatives Tanner of the 9th, England of the 116th, Dickson of the 6th, Coleman of the 97th, Evans of the 42nd 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, computation, and rate of and exemptions from state income taxes, so as to revise the amount of the adult basic skills education program tax credit; to provide for procedures, conditions, and limitations; to provide an aggregate cap on the amount of the tax credit; to provide for a short title; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, and rate of and exemptions from state income taxes, so as to revise the adult basic skills education program tax credit; to provide for procedures, conditions, and limitations; to provide an aggregate cap on the amount of the tax credit; to provide for a sunset date; to provide for a short title; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Employer GED Tax Credit Act of 2015."

SECTION 2.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, and rate of and exemptions from state income taxes, is amended by repealing Code Section 48-7-41, relating to basic skills education program credits, and inserting a new Code section to read as follows:

"48-7-41.

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

(1) 'Adult basic skills education' means training that enhances reading, writing, or mathematical skills of adult employees.

(2) 'Approved adult basic skills education program' means an employer provided or employer sponsored adult basic skills education program:

(A) That has agreed to operate under the standards for the delivery of adult education services as designated by the Technical College System of Georgia, Office of Adult Education; and

(B) For which the employer does not require the employee to make any payment, either directly or indirectly, through forfeiture of leave time, vacation time, or other compensable time.

(3) 'Basic skills education test' means the test required to receive a GED diploma.

(4) 'Employee' means any employee resident in this state who is employed for at least 24 hours per week and has been continuously employed by the employer for at least 16 consecutive weeks and who is eligible to take the GED test.

(5) 'Employer' means any employer upon whom an income tax is imposed by this chapter.

(6) 'Employer provided' refers to approved basic skills education offered on the premises of the employer or on premises approved by the Technical College System of Georgia by instructors hired by or employed by an employer.

(7) 'Employer sponsored' refers to a contractual arrangement with a school, university, college, or other instructional facility which offers approved basic skills education that is paid for by the employer.

(b) A tax credit shall be granted to an employer who provides or sponsors an approved adult basic skills education program. The amount of the tax credit shall be:

(1) Four hundred dollars for each employee who passes the basic skills education test that was paid for by the employer in a taxable year; or

(2) Twelve hundred dollars for each employee who successfully completes an approved adult basic skills education program consisting of at least 40 hours of training while the employee is being compensated at his or her normal rate of pay, and passes the basic skills education test that was paid for by the employer in a taxable year.

No employer shall receive a credit if the employer requires that the employee reimburse or pay the employer for the cost of attending the adult basic skills education program or taking the basic skills education test.

(c)(1) An employer desiring to claim a tax credit under the provisions of this Code section shall submit an application to the commissioner for preapproval of such tax credit. The application for preapproval shall be developed and promulgated by the commissioner along with any rules or regulations necessary to aid in the administration of this income tax credit. The department shall have the authority to require electronic submission of such application in the manner specified by the department.

(2) Within 45 days of receipt of a properly completed application for preapproval, the commissioner shall preapprove the application if a sufficient amount of available tax credits remains. The commissioner shall provide notice of the preapproval or denial to the employer and the Office of Adult Education. The commissioner shall preapprove the tax credits based on the order in which properly completed applications were submitted. In the event that two or more applications were submitted on the same day and the amount of funds available will not be sufficient to fully fund the tax credits requested, the commissioner shall prorate the available funds between or among the applicants.

(d) In order to receive the income tax credit established under this Code section, the employer shall, after the successful completion by an employee of the requirements of paragraph (1) or (2) of subsection (b) of this Code section, and after receiving preapproval of the credit by the commissioner under subsection (c) of this Code section, certify to the Technical College System of Georgia, Office of Adult Education, the name of the employee, the name of the employer, the name of the approved adult basic skills education provider, and such other information as may be required by the Office of Adult Education. The Office of Adult Education shall issue a certification to the employer if the requirements of subsections (a), (b), and (c) of this Code section are satisfied. Such certification shall be attached to the taxpayer's income tax return when the credit is claimed. The Technical College System of Georgia shall adopt rules and regulations and forms necessary to implement and administer this income tax credit program. The department is expressly authorized and directed to work with the Technical College System of Georgia to ensure the proper granting of income tax credits pursuant to this Code section.

(e) In no event shall the aggregate amount of the income tax credits preapproved under this Code section exceed $1 million per calendar year. No single employer shall receive income tax credits pursuant to this Code section in excess of $100,000.00 per calendar year.
(f) The income tax credit granted to any employer pursuant to this Code section shall not exceed the amount of the employer's income tax liability for the taxable year as computed without regard to this Code section.
(g) The department shall provide an annual report to the General Assembly on the utilization of the tax credit established under this Code section.
(h) This Code section shall stand repealed on January 1, 2020."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2016.

SECTION 4.

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

Representative Tanner of the 9th moved that the House agree to the Senate substitute to HB 63.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
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	E Drenner	Y Howard	Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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	Y Welch

Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	E 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	E Hamilton	Y McClain	Sims	Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

HB 552. By Representatives Williamson of the 115th, Shaw of the 176th, Smith of the 134th, Efstration of the 104th and Golick of the 40th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for changes to the captive insurance company provisions; to add certain definitions; to change prerequisites to transacting insurance; to amend provisions relating to directors; to revise the required amounts of capital or surplus for each captive insurance company; to provide for application of certain provisions to the examination of a captive insurance company and add confidentiality of certain information and documents provided to the Commissioner; to change the taxation requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for changes to the captive insurance company provisions; to add certain definitions; to change prerequisites to transacting insurance; to amend provisions relating to directors; to revise the required amounts of capital or surplus for each captive insurance company; to provide for application of certain provisions to the examination of a captive insurance company and add confidentiality of certain information and documents provided to the Commissioner; to change the taxation requirements; to provide for federal home loan bank rights regarding collateral pledged by an insurer-member subject to a delinquency proceeding; to provide for definitions; to provide for certain limitations for a receiver to void transfer of certain property in connection with

any federal home loan bank security agreement; to provide for transfer avoidance under certain circumstances; 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:

PART I
SECTION 1-1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising Code Section 33-41-2, relating to definitions, as follows:

"33-41-2.

Terms not otherwise defined in this chapter shall have the same meaning ascribed to them in this title. As used in this chapter, unless the context otherwise requires, the term:

(1) 'Affiliate' means an individual, partnership, corporation, trust, or estate that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with one or more of the shareholders or members of a captive insurance company. Affiliates shall also include employees of any shareholder or member, or any affiliate thereof, of a captive insurance company. For the purpose of the foregoing definition of affiliate, 'control' means:

(A) Ownership of shares of a corporation possessing 50 percent or more of the total voting power of all classes of shares entitled to vote or possessing 50 percent or more of the total value of the outstanding shares of the corporation; and

(B) Ownership of 50 percent or more by value of the beneficial interests in a partnership, trust, or estate.

(2) 'Association' means any membership organization whose members consist of a group of individuals, corporations, partnerships, or other associations who engage in similar or related professional, trade, or business activities and who collectively own, control, or hold with power to vote all of the outstanding voting interests of an association captive insurance company or of a corporation that is the sole shareholder of an association captive insurance company.

(3) 'Association captive insurance company' means any domestic insurance company granted a certificate of authority under this chapter to insure or reinsure the similar or related risks of members and affiliates of members of its association.

(4) 'Captive insurance company' means any pure captive insurance company, association captive insurance company, industrial insured captive insurance company, or risk retention group captive insurance company.

(5) <u>'Controlled unaffiliated business' means:</u>

<u>(A) A person:</u>

<u>(i) That is not an affiliate;</u>

<u>(ii) That has an existing contractual relationship with an affiliate under which the affiliate bears a potential financial loss; and</u>

(iii) The risks of which are managed by a captive insurance company under an arrangement approved by the Commissioner; or

(B) A reinsurance pooling arrangement with other captive insurance companies that is approved by the Commissioner.

~~(5)~~(6) 'Industrial insured' means an insured:

(A) Who procures the insurance of any risk or risks through the use of the services of a full-time employee who acts as an insurance manager, risk manager, or insurance buyer or through the services of a person licensed as a property and casualty agent, broker, or counselor in such person's state of domicile;

(B) Whose aggregate annual premiums for insurance on all risks total at least $25,000.00; and

(C) Who either:

(i) Has at least 25 full-time employees;

(ii) Has gross assets in excess of $3 million; or

(iii) Has annual gross revenues in excess of $5 million.

~~(6)~~(7) 'Industrial insured captive insurance company' means any domestic insurance company granted a certificate of authority under this chapter to insure or reinsure the risks of industrial insureds and their affiliates and which has as its shareholders or members only industrial insureds that are insured or reinsured by the industrial insured captive insurance company or which has as its sole shareholder or sole member a corporation whose only shareholders are industrial insureds that are insured or reinsured by the industrial insured captive insurance company.

~~(7)~~(8) 'Parent' means a corporation which directly owns shares representing more than 50 percent of the total outstanding voting power and value of a pure captive insurance company.

~~(8)~~(9) 'Pure captive insurance company' means any domestic insurance company granted a certificate of authority under this chapter to insure or reinsure the risks of its parent and affiliates of its parent, and controlled unaffiliated business.

~~(9)~~(10) 'Risk retention group captive insurance company' is any pure, association, or industrial insured captive insurance company which has been granted a certificate of authority under this chapter and determined by the Commissioner to be established and maintained as a 'risk retention group' as defined under the federal Liability Risk Retention Act of 1986, as amended. A risk retention group may be chartered and licensed either under this chapter or under Chapter 40 of this title.

~~(10)~~(11) 'Transact,' as used in this chapter, shall not include the organizational activities associated with the preliminary formation, incorporation, petitioning for a certificate of authority, and initial capitalization of a captive insurance company."

SECTION 1-2.

Said title is further amended by revising Code Section 33-41-4, relating to prerequisites to transacting insurance, as follows:

"33-41-4.

No captive insurance company may transact any insurance in this state unless:

(1) It first obtains from the Commissioner a certificate of authority authorizing it to transact insurance in this state;

(2) It maintains its principal place of business in this state; ~~and~~

(3) Any organization providing the principal administrative or management services to such captive insurance company shall maintain its principal place of business in this state and shall be approved by the Commissioner; and

(4) Its board of directors holds at least one meeting each year in this state."

SECTION 1-3.

Said title is further amended by revising Code Section 33-41-7, relating to directors, as follows:

"33-41-7.

(a) The affairs of every captive insurance company shall be managed by not less than three directors.

(b) At least ~~one-third~~ one of the directors of every captive insurance company ~~must~~ shall be a resident of this state~~, except that no more than three directors shall be required to be residents of this state. A~~ and a majority of the directors ~~must~~ shall be citizens of the United States.

(c) Every captive insurance company ~~must~~ shall report to the Commissioner within 30 days after any change in its directors including in its report a statement of the business and professional background and affiliations of any new director."

SECTION 1-4.

Said title is further amended by revising subsection (a) of Code Section 33-41-8, relating to amount of capital or surplus, as follows:

"(a) The amount of minimum capital or surplus required for each captive insurance company shall be determined on an individual basis, however:

(1) ~~No~~ A pure captive insurance company ~~incorporated as a stock insurer~~ shall ~~be issued a certificate of authority unless it shall possess and thereafter maintain a minimum of $500,000.00 in capital~~ maintain at least $250,000.00 in surplus; ~~or~~

(2) ~~No~~ An association captive insurance company ~~incorporated as a mutual insurer~~ shall ~~be issued a certificate of authority unless it shall possess and thereafter maintain a minimum of $500,000.00 in surplus.~~ maintain at least $500,000.00 in surplus;

(3) An industrial insured captive insurance company shall maintain at least $500,000.00 in surplus; and

(4) A risk retention group shall maintain at least $500,000.00 in surplus.

The Commissioner may require additional capital or surplus of any captive insurance company in an amount he or she deems appropriate under the circumstances based on the captive insurance company's business plan as described in paragraph (2) of subsection (a) of Code Section 33-41-10. Additional capital or surplus may be required if the captive insurance company's business plan indicates that an increase is required in order for the captive insurance company to meet its contractual obligations to its policyholders or to maintain its solvency."

SECTION 1-5.

Said title is further amended by revising Code Section 33-41-16, relating to examination by the Commissioner or agent, as follows:

"33-41-16.

(a) The Commissioner or his or her designated agent may visit each captive insurance company at any time and examine its affairs in order to ascertain its financial condition, its ability to fulfill its contractual obligations, and its compliance with this chapter. For these purposes, the Commissioner or his or her designated agent shall have free access to all of the books and records relating to the business of the captive insurance company. The expenses and charges of any examination conducted pursuant to this Code section shall be paid directly by the captive insurance company examined.

(b) When necessary or desirable to assist in any examination under this Code section, the Commissioner may retain such independent agents as described in subsection (b) of Code Section 33-41-10, as the Commissioner deems appropriate, in order to facilitate his or her examination under this Code section. The expenses and charges of such persons so retained or designated shall be paid directly by the captive insurance company. The provision of subsection (g) of Code Section 33-2-14 shall apply to examinations of any captive insurance company.

(c) All portions of license applications reasonably designated confidential by or on behalf of an applicant pure captive insurance company, all information and documents, and any copies of the foregoing, produced or obtained by or submitted or disclosed to the Commissioner pursuant to this chapter that are reasonably designated confidential by a pure captive insurance company, and all examination reports, preliminary examination reports, working papers, recorded information, other documents, and any copies of any of the foregoing, produced or obtained by or submitted or disclosed to the Commissioner pursuant to this chapter shall be given confidential treatment, except as to disclosures consented to by the pure captive insurance company, and shall not be subject to subpoena, shall not be made public by the Commissioner, and shall not be provided or disclosed to any other person at any time except to:

(1) Insurance commissioners of any state or of any foreign country or jurisdiction, provided that:

(A) Such receiving party shall agree in writing to maintain the confidentiality of such information; and

(B) The laws of the receiving party require such information to be and to remain confidential; or

(2) A law enforcement official or agency of this state, any other state, or the United States of America so long as such official or agency agrees in writing to hold it confidential and in a manner consistent with this Code section."

SECTION 1-6.

Said title is further amended by revising Code Section 33-41-22, relating to taxation, as follows:

"33-41-22.

~~All captive insurance companies chartered and licensed under this chapter shall be taxed under the provisions of Chapter 8 of this title and any other provisions of law in the same manner as other domestic insurance companies.~~

In lieu of any other taxes imposed by this title, all captive insurance companies licensed under this chapter shall pay the following taxes:

(1) A tax at the rate of 0.4 percent on the first $20 million and 0.3 percent on each dollar thereafter on its direct premiums collected, after deducting from the direct premiums subject to the tax the amounts paid to policyholders as return premiums which must include dividends on unabsorbed premiums or premium deposits returned or credited to policyholders;

(2) A tax at the rate of 0.225 percent on the first $20 million of assumed reinsurance premium, and 0.150 percent on the next $20 million and 0.050 percent on the next $20 million, and 0.025 percent of each dollar thereafter. However, no reinsurance tax applies to premiums for risks or portions of risks that are subject to taxation on a direct basis pursuant to paragraph (1) of this Code section. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control, provided that the Commissioner verifies that such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company;

(3) If the aggregate taxes to be paid by a captive insurance company calculated under paragraphs (1) and (2) of this Code section amount to more than $100,000.00 in any year, the captive insurance company shall pay a maximum tax of $100,000.00 for that year;

(4) Two or more captive insurance companies under common ownership and control shall be taxed as though they were a single captive insurance company; and

(5) The tax provided for in paragraphs (1) and (2) of this Code section shall be calculated on an annual basis, notwithstanding policies or contracts of insurance or contracts of reinsurance issued on a multiyear basis. In the case of multiyear policies or contracts, the premium shall be prorated for purposes of determining the tax due."

PART II
SECTION 2-1.

Said title is further amended in Code Section 33-37-3, relating to definitions, by adding new paragraphs to read as follows:

"(7.1) 'Federal home loan bank' means a federal home loan bank established under the federal Home Loan Bank Act, 12 U.S.C. Section 1421, et seq."

"(12.1) 'Insurer-member' means an insurer who is a member of a federal home loan bank."

SECTION 2-2.

Said title is further amended by revising Code Section 33-37-5, relating to grounds for restraining orders and injunctions, as follows:

"33-37-5.

(a) Any receiver appointed in a proceeding under this chapter may at any time apply for, and any court of general jurisdiction may grant, such restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary and proper to prevent:

(1) The transaction of further business;

(2) The transfer of property;

(3) Interference with the receiver or with a proceeding under this chapter;

(4) Waste of the insurer's assets;

(5) Dissipation and transfer of bank accounts;

(6) The institution or further prosecution of any actions or proceedings;

(7) The obtaining of preferences, judgments, attachments, garnishments, or liens against the insurer, its assets, or its policyholders;

(8) The levying of execution against the insurer, its assets, or its policyholders;

(9) The making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;

(10) The withholding from the receiver of books, accounts, documents, or other records relating to the business of the insurer; or

(11) Any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors, or shareholders, or the administration of any proceeding under this chapter.

(b) The receiver may apply to any court outside of the state for the relief described in subsection (a) of this Code section.

<u>(c)(1) After the seventh day following the filing of a delinquency proceeding, a federal home loan bank shall not be stayed or prohibited from exercising its rights regarding collateral pledged by an insurer-member.</u>

<u>(2) If a federal home loan bank exercises its rights regarding collateral pledged by an insurer-member who is subject to a delinquency proceeding, the federal home loan bank shall repurchase any outstanding capital stock that is in excess of that amount of federal home loan bank stock that the insurer-member is required to hold as a minimum investment to the extent the federal home loan bank in good faith determines the repurchase to be permissible under applicable laws, regulations, regulatory obligations, and the federal home loan bank's capital plan and consistent with the federal home loan bank's current capital stock practices applicable to its entire membership.</u>

<u>(d) Following the appointment of a receiver for an insurer-member, the federal home loan bank shall, within ten business days after a request from the receiver, provide a process and establish a timeline for all of the following:</u>

<u>(1) The release of collateral that exceeds the amount required to support secured obligations remaining after any repayment of loans as determined in accordance with</u>

the applicable agreements between the federal home loan bank and the insurer-member;

(2) The release of any of the insurer-member's collateral remaining in the federal home loan bank's possession following repayment of all outstanding secured obligations of the insurer-member in full;

(3) The payment of fees owed by the insurer-member and the operation of deposits and other accounts of the insurer-member with the federal home loan bank; and

(4) The possible redemption or repurchase of federal home loan bank stock or excess stock of any class that an insurer-member is required to own.

(e) Upon request from a receiver, the federal home loan bank shall provide any available options for an insurer-member subject to a delinquency proceeding to renew or restructure a loan to defer associated prepayment fees, subject to market conditions, the terms of any loans outstanding to the insurer-member, the applicable policies of the federal home loan bank, and the federal home loan bank's compliance with federal laws and regulations."

SECTION 2-3.

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

"33-37-26.1.

The receiver for an insurer-member shall not void any transfer of, or any obligation to transfer, money or any other property arising under or in connection with any federal home loan bank security agreement; any pledge, security, collateral, or guarantee agreement; or any other similar arrangement or credit enhancement relating to a federal home loan bank security agreement made in the ordinary course of business and in compliance with the applicable federal home loan bank agreement. However, a transfer may be avoided under this Code section if the transfer was made with intent to hinder, delay, or defraud the insurer-member, the receiver for the insurer-member, or existing or future creditors. This Code section shall not affect a receiver's rights regarding advances to an insurer-member in delinquency proceedings pursuant to 12 C.F.R. Section 1266.4."

PART III
SECTION 3-1.

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.

Representative Williamson of the 115th moved that the House agree to the Senate substitute to HB 552.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	E 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
Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	E Hamilton	Y McClain	Sims	Ralston, Speaker

On the motion, the ayes were 168, nays 0.

The motion prevailed.

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

Mr. Speaker:

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

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

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to determination of paternity, is amended by revising Code Section 19-7-43, relating to petitions for determination of paternity, as follows:

"19-7-43.

(a) A petition to establish the paternity of a child may be brought by:

(1) The child;

(2) The mother of the child;

(3) Any relative in whose care the child has been placed;

(4) The Department of Human Services in the name of and for the benefit of a child for whom public assistance is received or in the name of and for the benefit of a child

not the recipient of public services whose custodian has applied for services for the child; or

(5) One who is alleged to be the father.

(b) Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with this article, between an alleged or presumed father and the mother or child does not bar a petition under this Code section.

(c) If a petition under this article is brought before the birth of the child, all proceedings shall be stayed until after the birth except service of process, discovery, and the taking of depositions.

(d) In any case in which the paternity of a child or children has not been established, any party may make a motion for the court to order the mother, the alleged father, and the child or children to submit to genetic tests as specified in Code Section 19-7-45. Such motion shall be supported by a sworn statement (1) alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties; or (2) denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. Appropriate orders shall be issued in accordance with the provisions of this article. The court shall grant the motion unless it finds good cause as defined by the federal Social Security Act or if other good excuse for noncooperation is established.

(e) In any case for the collection of child support involving the Department of Human Services in which the paternity of a child or children has not been established or in which the individual receiving services alleges that paternity rests in a person other than the previously established father, the Department of Human Services ~~may~~ shall order genetic testing of the mother, the alleged father, and the child or children ~~to submit to genetic tests~~ as specified in Code Section 19-7-45. No genetic testing shall be undertaken by the Department of Human Services if the child was adopted either by the applicant for services or other alleged parent or if the child was conceived by means of artificial insemination. The ~~request for the order~~ need for genetic testing shall be supported by a sworn statement alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties. The parties shall be given notice and an opportunity to contest the order before the ~~department~~ Department of Human Services prior to the testing or the imposition of any noncooperation sanction.

(f) In any case in which the court or the ~~department~~ Department of Human Services orders genetic testing and one or both of the parties to the action is receiving child support services pursuant to Code Section 19-11-6, the ~~department~~ Department of Human Services shall pay the costs of such tests subject to recoupment from the alleged father if paternity is established. If the genetic test excludes the possibility of the alleged father being the biological father, then the applicant for services who named the alleged father shall be liable to the Department of Human Services for reimbursement of the paternity testing fee. Upon completion of the first test, but prior to the entry of any order, a ~~A~~ second genetic test shall be ordered ~~by the department if an order for paternity has not been issued and~~ if the person making the request tenders payment in

full of the cost of the initial test as well as the cost of the second test at the time of the request. Any party who, after notice sent by mail to his or her last known address, fails to cooperate with paternity testing or fails to make any child available for paternity testing may be sanctioned by the Department of Human Services. Such sanctions may include but shall not be limited to loss of the opportunity for paternity testing, loss of state benefits, denial of services, and administrative case closure. The Department of Human Services may bring a petition for contempt in the event of such noncooperation in violation of any court order."

SECTION 2.

Said article is further amended by revising Code Section 19-7-45, relating to genetic tests, as follows:

"19-7-45.

(a) All orders requiring parties to submit to genetic tests shall be issued in conformance with Code Sections 19-7-43, ~~and~~ 19-7-46, and 19-7-54. In all cases such tests ~~must~~ shall be conducted by a laboratory certified by the American Association of Blood Banks and shall be conducted so that the results meet the standards the American Association of Blood Banks requires in order for such results to be admitted as evidence in a court of law.

(b) When an action to determine paternity is initiated prior to the birth of a child, the court shall order that the genetic tests be made as soon as medically feasible after the birth.

(c) Genetic ~~The~~ tests shall be performed by a duly qualified licensed practicing physician, duly qualified immunologist, or other qualified person. In all cases, however, the court shall determine the number and qualifications of the experts. In all cases the results shall be made known to all parties at interest as soon as available.

(d) An order issued under this Code section is enforceable by contempt, provided that, if the petitioner refuses to submit to an order for a genetic test, the court may dismiss the action upon motion of the respondent.

(e)(1) The Department of Human Services and any court issuing an order with respect to a determination of paternity shall not, insofar as possible, attach the written results from a genetic test to any pleading or court order.

(2) The genetic material collected for a genetic test shall be destroyed within a reasonable time, as set forth by rule of the Department of Human Services.

(3) The genetic material collected for a genetic test shall not be shared with any other person or entity."

SECTION 3.

Said article is further amended by revising Code Section 19-7-54, relating to motions to set aside determinations of paternity, as follows:

"19-7-54.

(a) Unless otherwise specified in this Code section, in ~~In~~ any action in which a male is required to pay child support as the father of a child, a motion to set aside a

determination of paternity may be made at any time upon the grounds set forth in this Code section. Any such motion shall be filed in the superior or state court that entered the order and shall include:

(1) An affidavit executed by the movant that the newly discovered evidence has come to movant's knowledge since the entry of judgment; and

(2) The results from scientifically credible parentage-determination genetic testing, as authorized under Code Section 19-7-46 and administered within 90 days prior to the filing of such motion, that finds that there is a 0 percent probability that the male ordered to pay such child support is the father of the child for whom support is required.

(b) The court shall grant relief on a motion filed in accordance with subsection (a) of this Code section upon a finding by the court of all of the following:

(1) The genetic test required in paragraph (2) of subsection (a) of this Code section was properly conducted;

(2) The male ordered to pay child support has not adopted the child;

(3) The child was not conceived by artificial insemination while the male ordered to pay child support and the child's mother were in wedlock;

(4) The male ordered to pay child support did not act to prevent the biological father of the child from asserting his paternal rights with respect to the child; and

(5) The male ordered to pay child support with knowledge that he is not the biological father of the child has not:

(A) Married the mother of the child and voluntarily assumed the parental obligation and duty to pay child support;

(B) Acknowledged his paternity of the child in a sworn statement;

(C) Been named as the child's biological father on the child's birth certificate with his consent;

(D) Been required to support the child because of a written voluntary promise;

(E) Received written notice from the Department of Human Services, any other state agency, or any court directing him to submit to genetic testing which he disregarded;

(F) Signed a voluntary acknowledgment of paternity as provided in Code Section 19-7-46.1; or

(G) Proclaimed himself to be the child's biological father.

(c) In the event movant fails to make the requisite showing provided in subsection (b) of this Code section, the court may grant the motion or enter an order as to paternity, duty to support, custody, and visitation privileges as otherwise provided by law.

(d) In any case when the underlying child support order was issued by a court of this state or by the Department of Human Services and is being enforced by the Department of Human Services, a movant may request a genetic test from the Department of Human Services, contingent upon advance payment of the genetic test fee by such movant. In any case when the custodian of the child does not consent to testing, a movant may petition the court to ask for testing of the other parent and the child or children.

~~(d)~~(e) In the event relief is granted pursuant to subsection (b) of this Code section, relief shall be limited to the issues of prospective child support payments, past due child support payments, termination of parental rights, custody, and visitation rights. In any case when the underlying order was obtained by the Department of Human Services, a court granting the motion to set aside a determination of paternity may relieve the obligor of responsibility for any future or past due amounts, or both, owed to the state. The court may also relieve the obligor of the same that is owed to any other person or entity so long as the obligor adds that person or entity to the underlying motion and provides that person or entity with notice of the action. In all motions brought under this Code section when there is any amount owed to the state, the Department of Human Services shall be made a party. Failure to include the Department of Human Services as a party shall prevent the waiver of any amount owed to the state.

~~(e)~~(f) The duty to pay child support and other legal obligations for the child shall not be suspended while the motion is pending except for good cause shown; however, the court may order the child support be held in the registry of the court until final determination of paternity has been made.

~~(f)~~(g)(1) In any action brought pursuant to this Code section, if the genetic test results submitted in accordance with paragraph (2) of subsection (a) of this Code section are provided solely by the male ordered to pay child support, the court on its own motion may, and on the motion of any party shall, order the child's mother, the child, and the male ordered to pay child support to submit to genetic tests. The court shall provide that such genetic testing be done no more than 30 days after the court issues its order.

(2) If the mother of the child or the male ordered to pay child support willfully fails to submit to genetic testing, or if either such party is the custodian of the child and willfully fails to submit the child for testing, the court shall issue an order determining the relief on the motion against the party so failing to submit to genetic testing. If a party shows good cause for failing to submit to genetic testing, such failure shall not be considered willful.

(3) The party requesting genetic testing shall pay any fees charged for the tests. If the custodian of the child is receiving services from an administrative agency in its role as an agency providing enforcement of child support orders, such agency shall pay the cost of genetic testing if it requests the test and may seek reimbursement for the fees from the person against whom the court assesses the costs of the action.

~~(g)~~(h) If relief on a motion filed in accordance with this Code section is not granted, the court shall assess the costs of the action and attorney's fees against the movant."

SECTION 4.

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

Representative Dempsey of the 13th moved that the House agree to the Senate substitute to HB 568.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	E 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	E Hamilton	Y McClain	E Sims	Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

HB 339. By Representatives Burns of the 159th, Stephens of the 164th, Strickland of the 111th, Rice of the 95th, Peake of the 141st 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 state income taxes, so as to extend the tax credit for film, video, or digital production in this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of state income taxes, so as to extend the tax credit for film, video, or digital production in this state; to provide for an application process for claiming tax credit; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of state income taxes, is amended by revising subsection (e) of Code Section 48-7-40.26, relating to the tax credit for film, video, or digital production in this state, as follows:

"(e)(1) In no event shall the aggregate amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates exceed $25 million for taxable years beginning on or after January 1, 2013, and before January 1, 2014. The maximum credit for any qualified interactive entertainment production company and its affiliates shall be $5 million for such taxable year. When the $25 million cap is reached, the tax credit for qualified interactive entertainment production companies shall expire for such taxable years.

(2) For taxable years beginning on or after January 1, 2014, and before January 1, 2015, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed $12.5 million.

(3) For taxable years beginning on or after January 1, 2015, and before January 1, 2016, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed $12.5 million.

(4) ~~The tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not be available for taxable years beginning on or after January 1, 2016~~ <u>For taxable years beginning on or after January 1, 2016, and before January 1, 2019, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed $12.5 million for each taxable year. The tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not be available for taxable years beginning on or after January 1, 2019</u>.

(5) The maximum allowable credit claimed for any qualified interactive entertainment production company and its affiliates shall not exceed $1.5 million in any single year.

(6) ~~The commissioner shall allow the tax credits for qualified interactive entertainment production companies on a first come, first served basis based on the date the credits are claimed.~~ Qualified interactive entertainment production companies seeking to claim a tax credit under the provisions of this Code section shall submit an application to the commissioner for preapproval of such tax credit. The commissioner shall be authorized to promulgate any rules and regulations and forms necessary to implement and administer the provisions of this Code section. The commissioner shall preapprove the tax credits based on the order in which properly completed applications were submitted. In the event that two or more applications were submitted on the same day and the amount of funds available will not be sufficient to fully fund the tax credits requested, the commissioner shall prorate the available funds between or among the applicants.

(7) No qualified interactive entertainment production company shall be allowed to claim an amount of tax credits under this Code section for any single year in excess of its total aggregate payroll expended to employees working within this state for the calendar year directly preceding the start of the year the qualified interactive entertainment production company claims the tax credits. Any amount in excess of such limit shall not be eligible for carry forward to the succeeding years' tax liability, nor shall such excess amount be eligible for use against the qualified interactive entertainment production company's quarterly or monthly payment under Code Section 48-7-103, nor shall such excess amount be assigned, sold, or transferred to any other taxpayer.

(8) Before the Department of Economic Development issues its approval to the qualified interactive entertainment production company for the qualified production activities related to interactive entertainment, the qualified interactive entertainment production company must certify to the department that:

(A) The qualified interactive entertainment production company maintains a business location physically located in this state; and

(B) The qualified interactive entertainment production company had expended a total aggregate payroll of $500,000.00 or more for employees working within this state during the calendar year directly preceding the start of the taxable year of the qualified interactive entertainment production company.

The department shall issue a certification that the qualified interactive entertainment production company meets the requirements of this paragraph; provided, however, that the department shall not issue any certifications before July 1, 2014. The qualified interactive entertainment production company shall provide such certification to the Department of Economic Development. The Department of Economic Development shall not issue its approval until it receives such certification.

(9)(A) For taxable years beginning on or after January 1, 2016, and before January 1, 2019, the qualified interactive entertainment production company shall report to the Department of Revenue on its Georgia income tax return the monthly average number of full-time employees subject to Georgia income tax withholding for the taxable year as provided in subparagraphs (B) and (C) of this paragraph. For

purposes of this paragraph, a full-time employee shall mean a person who performs a job that requires a minimum of 35 hours a week, and pays at or above the average wage earned in the county with the lowest average wage earned in this state, as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor.

(B) For taxable years beginning on or after January 1, 2016, and before January 1, 2017, the qualified interactive entertainment production company shall report such number for such taxable year and separately for each of the prior two taxable years.

(C) For taxable years beginning on or after January 1, 2017, and before January 1, 2019, the qualified interactive entertainment production company shall report such number for each respective taxable year.

(D) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, for such taxable years, the commissioner shall report yearly to the House Committee on Ways and Means and the Senate Finance Committee. The report shall include the name, tax year beginning, and monthly average number of full-time employees for each qualified interactive entertainment production company. The first report shall be submitted by June 30, 2016, and each year thereafter by June 30."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to tax years beginning on or after January 1, 2016.

SECTION 3.

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

Pursuant to Rule 133, Representative Dudgeon of the 25th was excused from voting on HB 339.

Representative Burns of the 159th moved that the House agree to the Senate substitute to HB 339.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	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	Henson	Y Nix	Y Spencer
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E Drenner	Y Howard	Peake	E Strickland

Y Bentley	Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	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	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	E Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	E Hamilton	Y McClain	E Sims	Ralston, Speaker

On the motion, the ayes were 161, nays 0.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to the following resolutions of the Senate:

SR 266. By Senators Jeffares of the 17th, Harbison of the 15th, Albers of the 56th and Kennedy of the 18th:

A RESOLUTION authorizing the conveyance of certain state owned real property; authorizing the conveyance of certain state owned real property; authorizing the leasing of certain state owned real properties; authorizing the ground lease of certain state owned real property; authorizing the conveyance of a real property interest in Paulding County; authorizing the leasing of certain state owned real property located in Troup County; authorizing the conveyance of certain state owned real property located in Upson County; to provide an effective date; to repeal conflicting laws; and for other purposes.

SR 267. By Senators Jeffares of the 17th, Harbison of the 15th, Kennedy of the 18th and Albers of the 56th:

A RESOLUTION authorizing the granting of nonexclusive easements for the construction, operation, and maintenance of facilities, utilities, roads, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in the counties of Baldwin, Barrow, Bartow, Chatham, Clarke, Clayton, Cobb, DeKalb, Floyd, Fulton, Gordon, Houston, Laurens, Liberty, Lowndes, Macon, McIntosh, Meriwether, Newton, Polk, Richmond, Troup, Walton, and Wayne; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 8:30 o'clock, this evening.

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

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

SB 72. By Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 16 of the O.C.G.A., relating to crimes and offenses, so as to provide a measure of equivalency in the punishment of crimes committed against police dogs in the performance of their official duties as to that of peace officers; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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.

Mr. Speaker:

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

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

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

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

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

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

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

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

The Senate recedes from its amendment to the following bill of the House:

HB 246. By Representatives Knight of the 130th, Carson of the 46th, Mosby of the 83rd and Wilkerson of the 38th:

A BILL to be entitled an Act to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to provide for powers and actions granted to other licensing boards; to revise and add definitions; to provide that the State Board of Accountancy is administratively attached to the State Accounting Office; to change provisions relating to foreign registered accountants; to change the standard of proof; to provide for confidentiality of certain information; to amend Chapter 5B of Title 50 of the Official Code of Georgia Annotated, relating to the State Accounting Office, so as to remove the State Board of Accountancy as a division of the State Accounting office; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 956. By Representatives Smith of the 70th and Ralston of the 7th:

A RESOLUTION congratulating Howard Parrott for 52 years of service in the Clerk's Office Print Shop; and for other purposes.

HR 957. By Representatives Smyre of the 135th, Mosby of the 83rd and Williams of the 168th:

A RESOLUTION honoring the life and memory of Marion Barry; and for other purposes.

HR 958. By Representatives Smyre of the 135th and Hugley of the 136th:

A RESOLUTION honoring the life and memory of George "G.G." Johnson; and for other purposes.

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

SB 108. By Senators Martin of the 9th, McKoon of the 29th, Harbison of the 15th, Jones of the 25th, Ramsey, Sr. of the 43rd and others:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to provide the requirements for maintaining a risk management framework and provide guidance and instructions for filing for an Own Risk and Solvency Assessment and report with the Commissioner; to provide for legislative intent; to provide for a purpose; to provide for definitions; to provide for standards and timing of reports; to provide for exemptions; to provide for confidentiality of reports; to provide for the Commissioner's duties and powers; to provide for penalties; to provide for the redesignation of certain code provisions and conforming changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	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
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Battles	Y Dickey	Y Hitchens	O'Neal	Y Stephens, R
Y 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	E Drenner	Y Howard	Y Peake	Y Strickland
Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	E Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	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	E Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 167, nays 0.

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

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

The Honorable Nathan Deal appeared upon the floor of the House and addressed the members.

The Speaker called the House to order.

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

HB 511. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize pharmacy technicians to fill remote automated medication systems in skilled nursing facilities and hospices; to provide for certain requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for minimum standards for pharmacy technicians to fill remote automated medication systems under certain circumstances; to amend Article 6 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to respiratory care, so as to provide for the licensure of durable medical equipment suppliers; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for expansion of certain medical professionals to prescribe auto-injectable epinephrine to an authorized entity and for other emergency purposes; to amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, so as to provide for expansion of treatment for allergy reactions; to authorize certain health care practitioners to prescribe auto-injectable epinephrine; to authorize certain individuals to administer auto-injectable epinephrine under certain circumstances; to provide immunity from liability; to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, so as to provide for emergency public access stations to allow a lay rescuer to consult with a medical professional to administer or make available auto-injectable epinephrine under certain circumstances; to provide for immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-28, relating to the powers, duties, and authority of the Georgia State Board of Pharmacy, by revising paragraph (12.1) of subsection (a) as follows:

"(12.1)(A) The licensure for the use of remote automated medication systems and the regulation and establishment of minimum standards for the use and operation of remote automated medication systems to ensure safe and efficient dispensing, including, but not limited to, appropriate security measures, requirements for skilled nursing facilities and hospices that utilize such systems, training requirements, accuracy and quality assurance measures, recordkeeping requirements, and such other appropriate requirements as determined by the board.

(B) The regulation and establishment of minimum standards for the use and operation of remote automated medication systems by the board as provided for in subparagraph (A) of this paragraph shall permit a pharmacy technician registered pursuant to this chapter to fill a remote automated medication system. If the remote automated medication system utilizes radio frequency identification or bar coding in the filling process, the pharmacy shall retain an electronic record of the filling activities of the pharmacy technician. If the remote automated medication system

does not utilize radio frequency identification or bar coding in the filling process, a pharmacist shall supervise continuously the filling activities of the pharmacy technician through a two-way audiovisual system.

(C) The board may establish rules and regulations to implement the requirements of this paragraph;"

PART II
SECTION 2-1.

Article 6 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to respiratory care, is amended in Code Section 43-34-142, relating to definitions, by adding a new paragraph to read as follows:

"(1.1) 'Durable medical equipment' means equipment, including repair and replacement parts for the same but not including mobility enhancing equipment, which:

(A) Can withstand repeated use;

(B) Is primarily and customarily used to serve a medical purpose;

(C) Generally is not useful to a person in the absence of illness or injury; and

(D) Is not worn in or on the body."

SECTION 2-2.

Said article is further amended in Code Section 43-34-143, relating to the powers and duties of the Georgia Composite Medical Board, by adding a new paragraph to read as follows:

"(6.1) Issue, suspend, deny, and renew licenses for suppliers of durable medical equipment pursuant to Code Section 43-34-151.1;"

SECTION 2-3.

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

"43-34-151.1.

(a) Any person who delivers disposable medical supplies or durable medical equipment for which a prescription is required and any person who accepts a physician order to provide disposable medical supplies or durable medical equipment shall possess a durable medical equipment supplier license issued by the board.

(b) The board shall issue a license to an applicant for licensure as a durable medical equipment supplier if the applicant:

(1) Completes the license application required by the board;

(2) Maintains a physical location in the State of Georgia, which location is accredited by an accrediting organization recognized by the federal Centers for Medicare and Medicaid Services; and

(3) Pays the license fee required by the board, which in no event shall exceed the license fee for a respiratory technician.

(c) Licenses issued pursuant to this Code section shall be effective for 24 months from the date of issuance and shall not be transferable or assignable.
(d) The board may deny, revoke, or suspend a license issued pursuant to this Code section upon a finding that the applicant or licensee:
(1) Made a material misrepresentation to the board; or
(2) Has violated any state or federal law or regulation that is related to the provision of health care services, including disposable medical supplies and durable medical equipment.
If a license is denied, revoked, or suspended pursuant to this subsection, the applicant or licensee may appeal the board's decision in the same manner as provided in Code Section 43-34-152.
(e) This Code section shall not apply to the sale of disposable medical supplies or durable medical equipment for which a prescription is required by:
(1) Licensed pharmacists or pharmacies;
(2) Physicians who do not sell, lease, or rent home medical equipment;
(3) Licensed dialysis providers, include those offering in-center dialysis, home dialysis services, or both;
(4) Suppliers of insulin infusion pumps and related supplies or services; or
(5) Persons who do not sell, lease, or rent home medical equipment and have an existing state license or permit to operate:
(A) A skilled nursing facility;
(B) A hospital;
(C) An ambulatory surgical center;
(D) A health care facility owned or operated by the state or federal government;
(E) An assisted living facility that provides disposable medical supplies or durable medical equipment only to its residents; or
(F) As a manufacturer or wholesale distributor that provides disposable medical supplies or durable medical equipment directly to consumers."

PART III
SECTION 3-1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by revising Code Section 26-4-116.1, relating to licensed health practitioners authorized to prescribe auto-injectable epinephrine for schools and pharmacists authorized to fill prescriptions, as follows:
"26-4-116.1.
(a) A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of a public or private school for use in accordance with Code Section 20-2-776.2 and in accordance with

protocol specified by such physician, advanced practice registered nurse, or physician assistant.

(b) ~~A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription issued in accordance with subsection (a) of this Code section~~ A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.l) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of an authorized entity in accordance with Code Section 31-2A-18.

(c) A medical professional, as defined in Code Section 43-34-26.2, may prescribe auto-injectable epinephrine to an entity described in Code Section 31-2A-18. A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription issued in accordance with subsection (a), (b), or (c) of this Code section."

SECTION 3-2.

Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health, is amended by adding a new Code section to read as follows:

"31-2A-18.

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

(1) 'Administer' means the direct application of auto-injectable epinephrine to the body of an individual.

(2) 'Authorized entity' means any entity or organization, other than a school described in Code Section 20-2-776.2, in connection with or at which allergens capable of causing anaphylaxis may be present, as identified by the State Board of Pharmacy. The State Board of Pharmacy shall, through rule or other guidance, identify the types of entities and organizations that are considered authorized entities no later than January 1, 2016, and shall review and update such rule or guidance at least annually thereafter.

(3) 'Auto-injectable epinephrine' means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(4) 'Health care practitioner' means a physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.l) of Code Section 43-34-103.

(5) 'Provide' means the supply of one or more auto-injectable epinephrine to an individual.

(b) A health care practitioner may prescribe auto-injectable epinephrine in the name of an authorized entity for use in accordance with this Code section, and pharmacists and health care practitioners may dispense auto-injectable epinephrine pursuant to a prescription issued in the name of an authorized entity. A prescription issued pursuant to this Code section shall be valid for two years.

(c) An authorized entity may acquire and stock a supply of auto-injectable epinephrine pursuant to a prescription issued in accordance with this Code section. Such auto-injectable epinephrine shall be stored in a location readily accessible in an emergency and in accordance with the auto-injectable epinephrine's instructions for use and any additional requirements that may be established by the State Board of Pharmacy. An authorized entity shall designate employees or agents who have completed the training required by subsection (e) of this Code section to be responsible for the storage, maintenance, control, and general oversight of auto-injectable epinephrine acquired by the authorized entity.

(d) An employee or agent of an authorized entity, or any other individual, who has completed the training required by subsection (e) of this Code section may use auto-injectable epinephrine prescribed pursuant to subsection (b) of this Code section to:

(1) Provide auto-injectable epinephrine to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or to the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for auto-injectable epinephrine or has previously been diagnosed with an allergy; and

(2) Administer auto-injectable epinephrine to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for auto-injectable epinephrine or has previously been diagnosed with an allergy.

(e) An employee, agent, or other individual described in subsection (c) or (d) of this Code section must complete an anaphylaxis training program and repeat such training at least every two years following completion of the initial anaphylaxis training program. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the State Board of Pharmacy. The State Board of Pharmacy may approve specific entities or individuals or may approve classes of entities or individuals to conduct training. Training may be conducted online or in person and, at a minimum, shall cover:

(1) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

(2) Standards and procedures for the storage and administration of auto-injectable epinephrine; and

(3) Emergency follow-up procedures.

The entity that conducts the training shall issue a certificate, on a form developed or approved by the State Board of Pharmacy, to each individual who successfully completes the anaphylaxis training program.

(f) An authorized entity that possesses and makes available auto-injectable epinephrine and its employees, agents, and other individuals; a health care practitioner that prescribes or dispenses auto-injectable epinephrine to an authorized entity; a pharmacist or health care practitioner that dispenses auto-injectable epinephrine to an authorized entity; and an individual or entity that conducts the training described in subsection (d)

of this Code section shall not be liable for any injuries or related damages that result from any act or omission taken pursuant to this Code section; provided, however, that this immunity does not apply to acts or omissions constituting willful or wanton misconduct. The administration of auto-injectable epinephrine in accordance with this Code section is not the practice of medicine or any other profession that otherwise requires licensure. This Code section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including that provided under Code Section 51-1-29. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of auto-injectable epinephrine outside of this state if the entity:

(1) Would not have been liable for such injuries or related damages had the provision or administration occurred within this state; or

(2) Is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

(g) An authorized entity that possesses and makes available auto-injectable epinephrine shall submit to the State Board of Pharmacy, on a form developed by the State Board of Pharmacy, a report of each incident on the authorized entity's premises that involves the administration of auto-injectable epinephrine pursuant to subsection (d) of this Code section. The State Board of Pharmacy shall annually publish a report that summarizes and analyzes all reports submitted to it under this subsection."

SECTION 3-3.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, is amended by adding a new Code section to read as follows:

"43-34-26.2.

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

(1) 'Auto-injectable epinephrine' means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(2) 'Emergency Public Access Station' or 'EPAS' means a locked, secure container for the storage of auto-injectable epinephrine which:

(A) Allows a lay rescuer to consult with a medical professional in real time by audio, video, or other similar means of electronic communication;

(B) Upon authorization of the consulting medical professional, may be unlocked to make available the auto-injectable epinephrine;

(C) Has received any approval required under Title 21 of the United States Code from the United States Food and Drug Administration; and

(D) Is maintained under the general oversight of a medical professional.

(3) 'Medical professional' means any physician or other person authorized under this title to treat, use, or prescribe medicine and drugs in this state or the state in which such physician or other person is located.

(b) A medical professional may prescribe a stock supply of auto-injectable epinephrine to any entity or organization for storage in an Emergency Public Access Station or may

place a stock supply of auto-injectable epinephrine at any entity or organization in an EPAS in accordance with protocols established by the medical professional and approved by the State Board of Pharmacy.
(c) A medical professional may provide consultation to the user of an EPAS and may make the auto-injectable epinephrine stored in the EPAS available to the user in accordance with protocols established by the medical professional and approved by the State Board of Pharmacy.
(d) Any person may use an EPAS and may administer or provide auto-injectable epinephrine made available through the EPAS to a specific individual believed in good faith to be experiencing anaphylaxis or to the parent, guardian, or caregiver of such individual.
(e) Any person, including any entity or organization at which an EPAS is located, a medical professional, and any user of an EPAS who undertakes in good faith any act or omission pursuant to this Code section shall not be liable for any injuries or related damages that result from any such act or omission; provided, however, that this immunity does not apply to acts or omissions constituting willful or wanton misconduct. This Code section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including that provided under Code Section 51-1-29. Use of an EPAS in accordance with this Code section is not the practice of medicine or any other profession that otherwise requires licensure."

PART IV
SECTION 4-1.

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

The following amendment was read and adopted:

Representative Stephens of the 164th offers the following amendment:

Amend the Senate Committee on Health and Human Services substitute to HB 511 (LC 37 2024S) by striking lines 3 through 17 and inserting in lieu thereof the following:
technicians to fill remote automated medication systems in skilled nursing facilities and hospices; to provide for related matters; to repeal conflicting laws; and for other purposes.

By striking lines 20 and 21 and inserting in lieu thereof the following:
SECTION 1.

By striking lines 45 through 257 and inserting in lieu thereof the following:
SECTION 2.

Representative Stephens of the 164th moved that the House agree to the Senate substitute, as amended by the House, to HB 511.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
E Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	E Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
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	Y 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 motion, the ayes were 171, nays 0.

The motion prevailed.

SB 94. By Senators Bethel of the 54th and Cowsert of the 46th:

A BILL to be entitled an Act to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to require a procedure for enhancing witness identification accuracy; to provide for

definitions; to provide for written policies relating to witness identification protocol; to provide for policy requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate moves to a*mend the House substitute to SB 94 (SB 94/HCSFA) by replacing lines 1 through 1079 with the following:*
To amend Part 1 of Article 3 of Chapter 11 of Title 16, Title 17, and Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, criminal procedure, and when public disclosure of agency records is not required, respectively, so as to provide improved processes and procedure for law enforcement during the execution of their official duties and for the release of information to the public; to provide for law enforcement officials to record matters occurring in private places or during the execution of a search warrant; to require a procedure for enhancing witness identification accuracy; to provide for definitions; to provide for written policies relating to witness identification protocol; to provide for policy requirements; to prohibit suppression of evidence under certain circumstances; to change certain provisions relating to the release of certain audio and video recordings; 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:

SECTION 1.
Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, is amended by revising paragraph (3) of Code Section 16-11-60, relating to definitions, as follows:

"(3) 'Private place' means a place where ~~one is entitled reasonably to expect to be safe from casual or hostile intrusion or surveillance~~ <u>there is a reasonable expectation of privacy</u>."

SECTION 2.
Said part is further amended by revising paragraph (2) of Code Section 16-11-62, relating to eavesdropping, surveillance, or intercepting communication which invades privacy of another, as follows:

"(2) Any person, through the use of any device, without the consent of all persons observed, to observe, photograph, or record the activities of another which occur in any private place and out of public view; provided, however, that it shall not be unlawful:

(A) To use any device to observe, photograph, or record the activities of persons incarcerated in any jail, correctional institution, or ~~any~~ other facility in which persons who are charged with or who have been convicted of the commission of a crime are incarcerated, provided that such equipment shall not be used while the prisoner is discussing his or her case with his or her attorney;

(B) For an owner or occupier of real property to use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are on the property or an approach thereto in areas where there is no reasonable expectation of privacy; ~~or~~

(C) To use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are within the curtilage of the residence of the person using such device. A photograph, videotape, or record made in accordance with this subparagraph, or a copy thereof, may be disclosed by such resident to the district attorney or a law enforcement officer and shall be admissible in a judicial proceeding, without the consent of any person observed, photographed, or recorded; or

(D) For a law enforcement officer or his or her agent to use a device in the lawful performance of his or her official duties to observe, photograph, videotape, or record the activities of persons that occur in the presence of such officer or his or her agent;"

SECTION 3.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedures is amended by revising paragraph (5) of subsection (a) and subsection (b) of Code Section 17-5-21, relating to grounds for issuance of search warrant and scope of search warrant, as follows:

"(5) Any ~~item, substance, object, thing, or matter, other than the private papers of any person, which is tangible~~ instruments, articles or things, any information or data, and anything that is tangible or intangible, corporeal or incorporeal, visible or invisible evidence of the commission of the crime for which probable cause is shown, other than the private papers of any person."

"(b) When the peace officer is in the process of effecting a lawful search, nothing in this Code section shall ~~be construed to~~ preclude ~~him~~ such officer from discovering or seizing any stolen or embezzled property, any item, substance, object, thing, or matter, the possession of which is unlawful, or any item, substance, object, thing, or matter, other than the private papers of any person, which is tangible evidence of the commission of a crime against the laws of this state, the United States, or another state. Other personnel, sworn or unsworn, acting under the direction of a peace officer executing a search warrant may assist in the execution of such warrant. While in the process of effecting a lawful arrest or lawful search, nothing in this Code section nor in Code Section 16-11-62 shall be construed to preclude the use of any device, as such term is defined in Code Section 16-11-60, by the peace officer executing the search warrant or other personnel assisting in the execution of such warrant."

SECTION 4.

Said title is further

By replacing lines 1133 through 1147 with the following:

SECTION 5.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of agency records is not required, is amended in subsection (a) by adding a new paragraph to read as follows:

"(26.2) Audio and video recordings from devices used by law enforcement officers in a place where there is a reasonable expectation of privacy when there is no pending investigation, except to the following, provided that the person seeking the audio or video recording submits a sworn affidavit that attests to the facts necessary to establish eligibility under this paragraph:

(A) A duly appointed representative of a deceased's estate when the decedent was depicted or heard on such recording;

(B) A parent or legal guardian of a minor depicted or heard on such recording;

(C) An accused in a criminal case when, in the good faith belief of the accused, such recording is relevant to his or her criminal proceeding;

(D) A party to a civil action when, in the good faith belief of such party, such recording is relevant to the civil action;

(E) An attorney for any of the persons identified in subparagraphs (A) through (D) of this paragraph; or

(F) An attorney for a person who may pursue a civil action when, in the good faith belief of such attorney, such recording is relevant to the potential civil action;"

SECTION 6.

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

(b) Section 4 of this Act shall become effective on July 1, 2016.

SECTION 7.

Senate Amendment #2

The Senate moves to a*mend the amendment to the House substitute to SB 94 (AM 29 2466) by replacing lines 51 and 52 with the following:*

amended by revising paragraph (5) of subsection (a) and subsection (b) of Code Section 17-5-21, relating to grounds for issuance of search warrant and scope of search warrant, as follows:

"(5) Any ~~item, substance, object, thing, or matter, other than the private papers of any person, which is tangible~~ instruments, articles or things, any information or data, and anything that is tangible or intangible, corporeal or incorporeal, visible or invisible

evidence of the commission of the crime for which probable cause is shown, other than the private papers of any person."

Representative Atwood of the 179th moved that the House agree to the Senate amendments to the House substitute to SB 94.

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

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

On the motion the ayes were 100, nays 65.

The motion prevailed.

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

Mr. Speaker:

The Senate has adopted the report of the Committee of Conference on 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.

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

SB 76. By Senators Jackson of the 24th, Wilkinson of the 50th, Jones of the 25th, Bethel of the 54th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Code Section 40-6-20 of the Official Code of Georgia Annotated, relating to obedience to traffic-control devices, so as to provide for the safe operation of a motorcycle or lightweight motor vehicle through an inoperative traffic-control signal; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the reports of the Committees of Conference thereon:

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

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

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 520

The Committee of Conference on HB 520 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 520 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ John Albers
Senator, 56th District

/s/ Fran Millar
Senator, 40th District

FOR THE HOUSE OF REPRESENTATIVES:

/s/ Rynders
Representative, 152nd District

/s/ Brockway
Representative, 102nd District

/s/ Taylor
Representative, 79th District

A BILL TO BE ENTITLED
AN ACT

To incorporate the City of LaVista Hills in DeKalb County; to provide for a charter for the City of LaVista Hills; 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, and authorities; to provide for a city manager, city attorney, city clerk, city tax collector, 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 audits; to provide for homestead exemptions; 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 LaVista Hills; to provide for legislative intent; 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, POWERS

SECTION 1.01.
Incorporation.

This Act shall constitute the charter of the City of LaVista Hills, Georgia. The City of LaVista Hills, 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 LaVista Hills" 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.

SECTION 1.02.
Corporate boundaries.

The boundaries of the City of LaVista Hills shall be those set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. Any part of the City of LaVista Hills which is included in the description contained in Appendix A shall nevertheless not be included within the corporate boundaries of the City of LaVista Hills if such area was annexed into another corporate boundary before March 2, 2015. 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) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.
(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl; to provide for the impoundment of the 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)(A) Condemnation. 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) The city shall have the right 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 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) 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;

(9) 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. These ordinances shall include, without limitation, ordinances that protect, maintain, and enhance the public health, safety, environment, and general welfare and minimize public and private losses due to flood conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection. Such ordinances may require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; may restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; may control filling, grading, dredging, and other development which may increase flood damage or erosion; may prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; may limit the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and may protect the storm-water management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural flood plain areas;

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

(11) 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 punishments for violations thereof;

(12) Garbage fees. To levy, fix, assess, and collect garbage, refuse, and trash collection and disposal and other sanitary service charges, taxes, or fees 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 that benefit 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;

(13) 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;

(14) 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;
(15) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
(16) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and to maintain current homestead exemptions of residents of the city as authorized by Acts of the General Assembly;
(17) 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 law; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
(18) 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;
(19) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, and offices not specified in this charter and 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;
(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 the same by the public; and to prescribe penalties and punishments 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, gasworks, 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 aesthetically 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 police and fire-fighting agencies;
(28) Public hazards; removal. To provide for the destruction and removal of any building or other structure that 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 these are 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 punishments for violations of such ordinances;
(34) Roadways. To lay out, open, extend, widen, narrow, establish, 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;
(35) 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;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;

(37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) The millage rate imposed for ad valorem taxes on real property shall not exceed 5.00 unless a higher limit is recommended by resolution of the city council and approved by a majority vote of the qualified voters of the City of LaVista Hills voting on the issue in a referendum; provided that the amount of millage associated with the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as part of the 5.00 millage rate limit in this subsection since such millage is already subject to approval by the electors of the city in a separate referendum;

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.; and

(C) Notwithstanding the provisions of subparagraph (A) above, the mayor and city council shall be authorized to create a Special Service District fund for the provision of fire and rescue services, to create a Special Service District fund for the provision of solid waste disposal services, and to levy ad valorem taxes on real property not to exceed the average of said taxes levied by DeKalb County for the provision of the same services for the previous five years prior to the cutover of the services;

(38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;

(39) 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;

(40) Tourism, conventions, and trade shows. To provide for the structure, operation, or management of the LaVista Hills Convention and Visitors Bureau created pursuant to Section 1.05 of this charter and to authorize the City of LaVista Hills to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

(42) 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.

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; trade shows.

The LaVista Hills Convention and Visitors Bureau is hereby created.

SECTION 1.06.

Reserved.

ARTICLE II
GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH
SECTION 2.01.
City council creation; number; election.

(a) The legislative authority of the government of the City of LaVista Hills, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member to the extent provided in subsection (a) of Section 2.10 of this charter.

(b)(1) The city council of LaVista Hills, Georgia, shall consist of six members plus the mayor.

(2) There shall be six council districts, designated Council Districts 1 through 6, as described in Appendix B of this Act, which is attached to and made a part of this charter.

(3) One councilmember shall be elected from each of the six Council Districts 1, 2, 3, 4, 5, and 6, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council district for which he or she is offering. Councilmembers for such posts 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 district obtains a majority vote of the qualified electors of the council district voting in the election, a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council district shall be included in the run-off election. The candidate 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 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 Districts 1, 3, and 5 shall expire upon the administration of the oath of office to their successors elected in the regular election to be held in November, 2017, as provided in subsection (b) of Section 2.02 of this charter. The terms for the candidates elected for Council Districts 2, 4, and 6 shall expire upon the administration of the oath of office to their successors elected in the regular election to be held in November, 2019. 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 LaVista Hills, with the powers and duties specified herein, 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 at 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 to be held in November, 2019, as provided in subsection (b) of Section 2.02. Thereafter, the 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; 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 successors. No person shall be eligible to serve as mayor or

councilmember unless that person shall have been a resident of the City of LaVista Hills for a continuous period of at least 12 months immediately prior to the date of the 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 LaVista Hills. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.

(b) An election shall be held on the date of the 2016 presidential preference primary to elect the first mayor and city council. At such election, the first mayor and city council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2017.

(c) The number of successive terms an individual may hold the position of mayor and may hold a position as a councilmember of any council district shall be limited to two terms. An individual who serves as mayor or serves as a councilmember of any council district for either one term or two consecutive terms may stand for subsequent election of any office other than his or her current elected office.

SECTION 2.03.

Vacancy; filling of vacancies; suspensions.

(a) Elected officials of the city shall not hold other elected or public offices. The elected offices of the city's government shall become vacant upon the member's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:

(1) Violating the provisions of this charter;

(2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or

(3) Failing to attend one-third of the regular meetings of the city 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 councilmembers 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 councilmembers 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 candidates for mayor and city council who receive a majority vote of the qualified electors of the city voting at 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 $16,000.00 and the annual salary for each councilmember shall be $12,000.00. Such salaries shall be paid from municipal funds in monthly installments. To the extent not available for provision by the city through the purchasing department, the mayor and each councilmember shall be reimbursed for the reasonable amount of their expenses actually and necessarily incurred by them 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 the 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; mayor pro tempore.

(a) The city council shall meet on the first 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 collectively to the newly elected mayor and councilmembers 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 LaVista Hills and will, to the best of my ability, support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of LaVista Hills. 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 LaVista Hills 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 LaVista Hills 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 the position of 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 herein 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 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 the call of either the mayor or two 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 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 notice of the call shall be transacted at the special meeting.

SECTION 2.10.

Quorum; voting.

(a) Four members of the city council 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 must receive at least four affirmative votes. No member of the city council shall abstain from voting on any matter properly brought before the city council for official action, except when such councilmember has a reason which is disclosed in writing prior to or at the meeting and made a part of the minutes. If any member of the city council 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. The mayor shall vote only in the event of a tie or in the case where his or her vote will provide the number of votes necessary for approval of a matter.

(b) 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, agency, or office not specified in this charter;

(2) Provide for fines or other penalties;

(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; and

(9) Amend or repeal an ordinance already adopted.

(c) 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 three-fourths vote; provided, however, that the city council cannot 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 this charter, the city council shall be vested with all the powers of government of the City of LaVista Hills as provided by 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 LaVista Hills and may enforce such ordinances by imposing penalties for violations thereof.

SECTION 2.12.
Administrative and service departments.

(a) Except for the office of city manager and the elected 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 hereinafter created or established; 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 incompatible with 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 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; "valuable" shall be an amount determined by the city council; provided, however, that the amount shall not exceed $100.00;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) 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 members of his or her family, has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any permissible contract or matter pending before or within any department of the city shall disclose such private interest to the city council. "Private financial interest" shall include interests of family. 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 and 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 or any member of his or her family shall use property owned by such governmental entity for personal benefit, convenience, or profit.

(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 he or she is elected.
(f) No elected official, appointed officer, or employee of the city or any agency, board, authority, bureau, or any other political entity to which this charter applies nor any member of such person's family, nor any person who has an employment or other personal relationship with such person, may contract with the city, either directly or indirectly or through any entity in which such person has a financial or employment interest, for the provision of goods, professional services, other services, construction or rehabilitation of improvements, or any other procurement request by the city.
(g) "Family" shall, for purposes of this section, include the parents, aunts, uncles, nieces, nephews, siblings, spouse, and children of such person and shall also include the parents, siblings, spouses, and children of any of the foregoing family members.

SECTION 2.14.
Boards, commissions, or authorities.

(a) All members of boards, commissions, or authorities of the city shall be appointed by the mayor subject to confirmation by the city council for such term 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.
(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 any 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.
(e) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the councilmembers in accordance with state laws.
(f) Members of boards, commissions, or 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 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 the same. 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 beginnings of such meetings are neither 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, to ordinances adopted at the first business meeting of the city council in a calendar year, 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 or 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 such 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, modify, or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, or section hereof.

(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 two members of the city council;
(3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental 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; and
(9) 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 transfer appropriations within a department, fund, service, strategy, or organizational unit, but only with approval of the city council.
(c) 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.
(d) 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 of this charter.

SECTION 3.02.
City manager; appointment and qualification.

The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be "city manager." 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) Appoint and employ all necessary employees of the city, provided that this power of 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;

(3) Remove employees appointed and employed under paragraph (2) of this section without the consent of the city council and without assigning any reason therefor;

(4) Exercise supervision and control of all departments, offices, and agencies and all divisions or bureaus created in this charter or that may hereafter be created by the city council, except as otherwise provided in this charter;

(5) 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 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;

(6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;

(7) 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, 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;

(8) 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; (9) 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;

(10) 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;

(11) Keep the city council at all times fully advised as to the financial condition and needs of the city;

(12) Make a full written report to the city council on the fifteenth day 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;

(13) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

(14) 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, 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 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 the 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 period of 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 mayor shall appoint the city attorney or city attorneys, together with such assistant city attorneys as may be deemed appropriate, subject to confirmation by the city council, and shall provide for the payment of such 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 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; shall attend 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. The city attorney shall review all contracts of the city but shall not have the power to bind the city.

SECTION 3.09.
City clerk.

The mayor may appoint a city clerk, subject to confirmation by the city council, 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.
City tax collector.

The mayor may appoint a city 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 mayor may appoint a city accountant, subject to confirmation by the city council, 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 not 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.

The compensation and expenses payable to the mayor and the councilmembers pursuant to Section 2.07 of this charter shall not commence until an internal auditor is appointed by the city council.

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 LaVista Hills 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.

There is established a court to be known as the Municipal Court of the City of LaVista Hills which shall have jurisdiction and authority to try offenses against the laws and ordinances of such city and to punish for violations of the same. 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 the judge of such court. In the absence or disqualification of the judge, the judge pro tempore shall preside and shall exercise the same powers and duties as the judge when so acting.

SECTION 4.02.
Judges.

(a) No person shall be qualified or eligible to serve as 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 three years. The 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.
(b) The judge pro tempore shall serve as requested by the judge, shall have the same qualifications as the judge, shall be nominated by the mayor subject to approval by the city council, and shall take the same oath as the judge.

(c) Before entering on the duties of his or her office, the judge and judge pro tempore 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) The judge or judge pro tempore 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 taken 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 LaVista Hills 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 costs 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 LaVista Hills, 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, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or 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 LaVista Hills 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 judges shall have full power and authority to make reasonable rules and regulations that are 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 no 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, 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, capital budget, budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.
(b) Beginning in the third year of the city's operation, the city manager and mayor are required to present to the city council a budget which is balanced in projected spending and revenues.
(c) Prior to passage of the budget, the city council shall hold a special public hearing at which the budget will be presented and public comment on the budget will 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.
(d) 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 city attorney review 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.

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.

SECTION 5.08.

Homestead exemption; freeze.

(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 LaVista Hills, including, but not limited to, any 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 LaVista Hills is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of such homestead

exceeds the base year assessed value of such 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 such 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 LaVista Hills, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of LaVista Hills, 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 LaVista Hills, 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 LaVista Hills, or the designee thereof, in the event such person for any reason becomes ineligible for such 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 only to taxable years 2017 through 2019. Unless renewed or extended by subsequent Act of the General Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable year 2020 or any subsequent taxable year.

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 LaVista Hills, 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 LaVista Hills who is disabled or is a senior citizen is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in the amount of $14,000.00 of the assessed value of such homestead. The exemption granted by this subsection shall only be granted if such 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 such 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 LaVista Hills, 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 LaVista Hills, 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 LaVista Hills, 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 LaVista Hills, or the designee thereof, in the event such person for any reason becomes ineligible for such 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 LaVista Hills, 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 LaVista Hills is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in the amount of $10,000.00 of the assessed value of such homestead. The value of such 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 LaVista Hills, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of LaVista Hills, 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 LaVista Hills, 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 LaVista Hills, or the designee thereof, in the event such person for any reason becomes ineligible for such 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 LaVista Hills, 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) "Unremarried surviving spouse" means 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 LaVista Hills 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 LaVista Hills 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 receive the exemption under this charter 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 charter, the unremarried surviving spouse shall furnish to the governing authority of the City of LaVista Hills, 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 any 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 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 LaVista Hills, or the designee thereof, information relative to marital status and such other information which the governing authority of the City of LaVista Hills, or the designee thereof, deems necessary to determine eligibility for the exemption. An unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of LaVista Hills 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 LaVista Hills, 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 LaVista Hills, or the designee thereof, in the event such 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 taxable years beginning on or after January 1, 2017.

SECTION 5.12.

Homestead exemption; one mill equivalent.

(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 LaVista Hills, 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 LaVista Hills is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of such 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 LaVista Hills, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of LaVista Hills, 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 LaVista Hills, 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 LaVista Hills, or the designee thereof, in the event such person for any reason becomes ineligible for such 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 5.13.

Homestead exemption; Fire Services Tax District HOST Equivalent.

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

(1) "Ad valorem taxes for fire services" means all ad valorem taxes for the purpose of providing fire services levied by, for, or on behalf of the City of LaVista Hills, 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) In the event that the City of LaVista Hills assumes responsibility for the transfer of fire services from DeKalb County, each resident of the City of LaVista Hills is granted an annual exemption on such person's homestead from City of LaVista Hills ad valorem taxes in a fixed amount equal to the HOST tax credit provided to DeKalb County residences who participate in the Fire Services Special Tax District at a level equal to the average percentage credit for the five years immediately preceding the cutover of fire services. The value of such property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall receive the homestead exemption granted by subsection (b) of this section provided that the person or person's agent has filed or files an application with the governing authority of the City of LaVista Hills in accordance with subsection (c) of Section 5.10 or subsection (c) of Section 5.12 of this charter giving such information relative to receiving such exemption as will enable the governing authority of the City of LaVista Hills, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. No additional homestead exemption form or application is required to grant the homestead exemption under this section.

(d) 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, 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 LaVista Hills, or the designee thereof, in the event such person for any reason becomes ineligible for such 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 in the year in which the City of LaVista Hills assumes responsibility for the transfer of fire services from DeKalb County. In the event that the transfer of fire services does not coincide with a taxable year end, the homestead exemption shall be prorated in the first year in an amount equal to the percent of the first year in which LaVista Hills provides fire services.

ARTICLE VI
GENERAL PROVISIONS

SECTION 6.01.

DeKalb County special services tax district.

For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax millage rate and amount for service charges or fees for district services assessed by DeKalb County, Georgia, for the LaVista Hills 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 LaVista Hills will 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 LaVista Hills for approval or rejection. The superintendent shall set November 3, 2015, as the date of such election. The superintendent shall issue the call for such election at least 30 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 LaVista Hills in DeKalb County according to the charter contained in the Act and the homestead
( ) NO 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 LaVista Hills 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 LaVista Hills to be held in conjunction with and on the date of the 2016 presidential preference primary, the qualified electors of the City of LaVista Hills shall be those qualified electors of DeKalb County residing within the corporate limits of the City of LaVista Hills as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of

the City of LaVista Hills 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 LaVista Hills to be held on the date of 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 LaVista Hills and the powers and duties of the governing authority of the City of LaVista Hills.

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 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 LaVista Hills. Accordingly, there shall be a two-year transition period as allowed by law beginning at 12:01 A.M. on July 1, 2016.
(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 2016 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 LaVista Hills, responsibility for any such service or function shall be transferred to the City of LaVista Hills. The governing authority of the City of LaVista Hills 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 LaVista Hills is considered removed from the DeKalb County special services tax district.
(d) During the transition period, the governing authority of the City of LaVista Hills 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 LaVista Hills. Any transfer of jurisdiction to the City of LaVista Hills 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 LaVista Hills 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 LaVista Hills commencing to exercise its planning and zoning powers, the Municipal Court of the City of LaVista Hills shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall have 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 LaVista Hills shall be a fully 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 November 3, 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 November 3, 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 charter.

SECTION 6.05.

Charter commission.

Not later than five years after the inception of the City of LaVista Hills, 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 by the mayor, one by each member of the city council, and one member appointed by a vote of the members of the Georgia House of Representatives and Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of LaVista Hills. All members of the charter

commission shall reside in the City of LaVista Hills. The charter commission shall complete the recommendations within the time frame required by the city council.

SECTION 6.06.
Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 6.07.
Effective date.

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

SECTION 6.08.
Repealer.

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

APPENDIX A

LEGAL DESCRIPTION CORPORATE LIMITS
CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

The corporate limits of the City of LaVista Hills shall include the areas specified as follows; provided, however, that any part of the City of LaVista Hills which is included in the description shall nevertheless not be included within the corporate boundaries of the City of LaVista Hills if such area was annexed into another corporate boundary before March 2, 2015:

Plan: LaVista Hills-SD040-p1(corp)-2015
Plan Type: Local
Administrator: S040
User: bak

District LAVISTAHILLS

DeKalb County
VTD: 089BC - BRIAR VISTA ELEMENTARY
021504:
1000 1001 1002 1003 1004 1005 1007
VTD: 089BD - BRIARLAKE ELEMENTARY
VTD: 089BG - BRIARCLIFF
VTD: 089CJ - CLAIRMONT HILLS
021602:
1001 1002 1003 1004 1005 2026 2028
022302:
3000 3002 3004 3005 3007 3008 3009
VTD: 089CW - CORALWOOD
VTD: 089DC - DRESDEN ELEM
021409:
1003 2003 2004
021410:
3007 3008
021605:
3000 3010 3011
VTD: 089EC - EMBRY HILLS
021808:
2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
2013 2014 2027
021809:
3000 3001 3002 3003 3004 3005 3006 3007
021812:
2012 2013 2014 2015 2016 2017 2018 2019
VTD: 089EF - EVANSDALE ELEM
VTD: 089HB - HAWTHORNE ELEM
021308:
1010 1011 1012 1013 1016 1017
021705:
3006 3007 3010 3011 3012 3013
021706:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
2013 2014 2015 2016 4008 4009
VTD: 089HC - HENDERSON MILL
VTD: 089HD - HERITAGE ED
VTD: 089LA - LAKESIDE HIGH
VTD: 089LB - LAVISTA ROAD
021504:
2000 3000

021602:
2021
021603:
1008 1010 1011 1012 1014
021604:
2021 2023 2024
VTD: 089LC - LAVISTA
021503:
1000 1001 1002 1003 1004 1005 3000 3001 3002 3003
VTD: 089MH - MIDVALE ELEM
021809:
5006 5007 5008
VTD: 089MJ - MONTCLAIR ELEM

021603:
2002 2003 2004
VTD: 089MP - MARGARET HARRIS
021502:
1007 2000
021603:
2005 2012 2014 2015 2016 2017 2021 3000 3001 3002 3003 3004
3005 3006 3007
VTD: 089MW - MIDVALE ROAD
021808:
1009 1010 1014 1015 1020 1024 1025 1026 1027
021809:
5021
021810:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
VTD: 089ND - NORTHLAKE
VTD: 089OA - OAK GROVE ELEM
VTD: 089OB - OAKCLIFF ELEM
021705:
2000 2007 2010 2011
021812:
2000
1000 1007 1010
VTD: 089PF - PLEASANTDALE ELEM
021812:
1000 1001 1002 1003 1004 1007 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011
021813:
1009 1012

021814:
2001 2002 2003 2004 2005 2006 2007 2008
VTD: 089PK - PLEASANTDALE ROAD
021813:
1001 1002 1003 1004 1005 1006 1008 1011 1013 1014 1015 1016
1017 1018 1019

021814:
1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013
VTD: 089RD - REHOBOTH
021704:
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
022001:
2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013
2022
VTD: 089SA - SAGAMORE HILLS
VTD: 089SN - SHAMROCK MIDDLE
VTD: 089VB - VALLEY BROOK
VTD: 089WI - WARREN TECH
021705:
1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030
2031 2032 2033 2034
021808:
2024

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 LAVISTA HILLS, DEKALB COUNTY, GEORGIA

Plan: LaVista Hills-SD040-p1(dist)-2015
Plan Type: Local

Administrator: SD040
User: bak

District 001
DeKalb County
VTD: 089EC - EMBRY HILLS
021808:
2013 2014
021809:
3000 3001 3002 3003 3004 3005 3006 3007
VTD: 089MH - MIDVALE ELEM
021809:
5006 5007 5008
VTD: 089OB - OAKCLIFF ELEM
021812:
2000
021813:
1000 1007 1010
VTD: 089PF - PLEASANTDALE ELEM
021812:
1000 1001 1002 1003 1004 1007 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011
021813:
1009 1012
021814:
2001 2002 2003 2004 2005 2006 2007 2008
VTD: 089PK - PLEASANTDALE ROAD

021813:
1001 1002 1003 1004 1005 1006 1008 1011 1013 1014 1015 1016
1017 1018 1019
021814:
1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013

District 002
DeKalb County
VTD: 089EC - EMBRY HILLS
021808:
2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
2027
021812:

2012 2013 2014 2015 2016 2017 2018 2019
VTD: 089EF - EVANSDALE ELEM
VTD: 089HB - HAWTHORNE ELEM
021308:
1010 1011 1012
021705:
3006 3007 3011 3012 3013
VTD: 089HC - HENDERSON MILL
021705:
3000 3001 3002 3003 3004 3005
021706:
4000
VTD: 089MW - MIDVALE ROAD
021808:
1009 1010 1014 1015 1020 1024 1025 1026 1027
021809:
5021
021810:
1000 1001 1002
VTD: 089OB - OAKCLIFF ELEM

021705:
2000 2007 2010 2011
VTD: 089WI - WARREN TECH
021705:
1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030
2031 2032 2033 2034
021808:
2024

District 003
DeKalb County
VTD: 089BD - BRIARLAKE ELEMENTARY
021703:
1000 1001 1002 1003 1008 1009 1010 1011 1012 1013 1014 1025
1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
VTD: 089DC - DRESDEN ELEM
021409:
1003 2003 2004
021605:
3000 3010
VTD: 089HB - HAWTHORNE ELEM

021308:
1013 1016 1017
021705:
3010
021706:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
2013 2014 2015 2016 4008 4009
VTD: 089HC - HENDERSON MILL
021705:
3008 3009
021706:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 4001 4002 4003 4004 4005 4006 4007 4010
4011 4012 4013 4014
VTD: 089HD - HERITAGE ED
021605:
1000 3001 3002 3003 3004 3005 3006 3009
VTD: 089LA - LAKESIDE HIGH
021703:
1004 1005 1006 1007 1018
VTD: 089MW - MIDVALE ROAD
021810:
1003 1004 1005 1006 1007 1008 1009 1010

District 004
DeKalb County
VTD: 089BD - BRIARLAKE ELEMENTARY
021703:
1023 1024 1037 1038 1039 1040 2009 2010 2011 2012 2023 2028
2029 2030 2031 2032
VTD: 089DC - DRESDEN ELEM
021410:
3007 3008
021605:
3011
VTD: 089HD - HERITAGE ED
021605:
1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
1013 1014 1017 1018
VTD: 089LA - LAKESIDE HIGH
021703:
1015 1016 1017 1019 1020 1021 1022 2000 2001 2002 2003 2004

2005 2006 2007 2008 2013 2014 2015 2016 2017 2018 2019 2020
2021 2022 2025 2026 2027
VTD: 089LB - LAVISTA ROAD
021604:
2021 2023 2024
VTD: 089ND - NORTHLAKE
021704:
2015 2016 2017 2018 2019 2020 2021 2022 2023 3000 3013 3016
VTD: 089OA - OAK GROVE ELEM
VTD: 089SA - SAGAMORE HILLS

District 005
DeKalb County
VTD: 089BC - BRIAR VISTA ELEMENTARY
021504:
1000 1001 1002 1003 1004 1005 1007
VTD: 089BG - BRIARCLIFF
VTD: 089LB - LAVISTA ROAD
021504:
2000 3000
VTD: 089LC - LAVISTA
021503:
1000 1001 1002 1003 1004 1005 3000 3001 3002 3003
VTD: 089MJ - MONTCLAIR ELEM
021603:
2002 2003 2004
VTD: 089MP - MARGARET HARRIS
021502:
1007 2000
021603:
2005 2012 2014 2015 2016 2017 2021 3000 3001 3002 3003 3004
3005 3006 3007

District 006
DeKalb County
VTD: 089CJ - CLAIRMONT HILLS
021602:
1001 1002 1003 1004 1005 2026 2028
022302:
3000 3002 3004 3005 3007 3008 3009
VTD: 089CW - CORALWOOD
VTD: 089LB - LAVISTA ROAD
021602:

2021

021603:
1008 1010 1011 1012 1014
VTD: 089ND - NORTHLAKE
021704:
3012 3014 3015 3021 3022 3023 3024 3025 3026 3027 3028 3029
3030
VTD: 089RD - REHOBOTH
021704:
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
022001:
2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013
2022
VTD: 089SN - SHAMROCK MIDDLE
VTD: 089VB - VALLEY BROOK

For the purposes of this plan (LaVista Hills-SD040-p1(dist)-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 LaVista Hills which is not included in any district described in this plan (LaVista Hills-SD040-p1(dist)-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 LaVista Hills which is described in this plan (LaVista Hills-SD040-p1(dist)-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 LaVista Hills which is described in this plan (LaVista Hills-SD040-p1(dist)-2015) as being included in a particular district shall nevertheless not be included within such district if such area was annexed into another corporate boundary before March 2, 2015.

APPENDIX C

CERTIFICATE AS TO MINIMUM STANDARDS FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Representative Tom Taylor, Georgia State House Representative from the 79th 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 LaVista Hills, 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 February, 2015.

_____
Honorable Tom Taylor
Representative, 79th District
Georgia State House of Representatives

Representative Taylor of the 79th moved that the House adopt the report of the Committee of Conference on HB 520.

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	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	N Harrell	N 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	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	N Dickerson	Y Hightower	Y Oliver	N Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
N Beasley-Teague	Y Dickson	Y Holcomb	N Pak	N Stephenson
N Bell	N Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	N Douglas	Y Houston	Y Parsons	Y Stover
N Bennett	N Drenner	Howard	Y Peake	E Strickland
N Bentley	Y Dudgeon	N Hugley	Y Petrea	Y Tankersley
N Benton	N Dukes	N Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	N Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	N Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
N Brooks	N Ehrhart	Y Jones, L	Y Quick	N Thomas, A.M.
Y Bruce	Y England	N Jones, S	Y Raffensperger	N Thomas, E
Y Bryant	Y Epps	N Jordan	Y Rakestraw	N Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner

Y Burns	Y Fleming	N Kelley	N Randall	N Waites
Y Caldwell, J	E Floyd	N Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	N Welch
Cantrell	N Frazier	Y Kirby	Rice	Weldon
Y Carson	Y Frye	Knight	Y Roberts	Y Werkheiser
N Carter	Y 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	Y Rutledge	Y Willard
Cheokas	N Glanton	Y Marin	Y Rynders	N Williams, A
Y Clark, D	Y Golick	Y Martin	N Scott	Y Williams, C
Y Clark, H	N Gordon	N Maxwell	Y Setzler	N Williams, E
Y Clark, V	Y Gravley	N Mayo	N Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	E Hamilton	N McClain	E Sims	Ralston, Speaker

On the motion, the ayes were 112, nays 52.

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 report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 515

The Committee of Conference on HB 515 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 515 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Fran Millar
Senator, 40th District

/s/ John Albers
Senator, 56th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Rynders
Representative, 152nd District

/s/ Brockway
Representative, 102nd District

/s/ Mitchell
Representative, 88th District

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-p2(corp)-2015
Plan Type: Local
Administrator: SD040
User: bak

District TUCKER
DeKalb County
VTD: 089BF - BROCKETT ELEMENTARY
VTD: 089BH - BROCKETT
VTD: 089EC - EMBRY HILLS
021809:
3008 3009
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: 089PF - PLEASANTDALE ELEM
021812:
1005 1006
VTD: 089PK - PLEASANTDALE ROAD
021814:
1007
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-p2(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: 089HA - HAMBRICK ELEM
021910:
3018
VTD: 089HG - HUGH HOWELL
VTD: 089IA - IDLEWOOD ELEM
021910:

3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017
3019 3020
VTD: 089MM - MEMORIAL NORTH
021910:
3021
022009:
3014
VTD: 089NC - NORTH HAIRSTON

021910:
1000 2000
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
VTD: 089IA - IDLEWOOD ELEM

021805:
3006 3010 3011 3012 3013 3014 3015 3016 3017 3023 3024 3025 3026 3027 3028
022009:
3006 3009
VTD: 089JB - JOLLY ELEM
021805:
3018
022009:
2001
VTD: 089MK - MONTREAL
021704:
1000 1001 1002 1003 1004 1005 1006
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: 089RD - REHOBOTH
021704:
1007 1008 1009 1010 1011 1012 1024 1025 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
VTD: 089SI - STN MTN MIDDLE
021805:
3004 3005 3020 3021 3022

District 003
DeKalb County
VTD: 089EC - EMBRY HILLS
021809:
3008 3009
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
021704:
2000 2001 2002 2003 2004
VTD: 089MW - MIDVALE ROAD
021809:
5018 5019 5020 5022
021810:
2002 2003 2004 2005 2006 2019 2020 2021
VTD: 089PF - PLEASANTDALE ELEM
021812:
1005 1006
VTD: 089PK - PLEASANTDALE ROAD
021814:
1007
VTD: 089TF - TUCKER
VTD: 089TH - TUCKER LIBRARY

For the purposes of this plan (Tucker-SD040-p2(dist)-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-SD040-p2(dist)-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-SD040-p2(dist)-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 adopt the report of the Committee of Conference on HB 520.

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

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

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

On the motion, the ayes were 131, nays 33.

The motion prevailed.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

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

SB 88. By Senators Jones of the 25th, Hill of the 6th, Mullis of the 53rd, Jeffares of the 17th, Burke of the 11th and others:

A BILL to be entitled an Act to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide for the payment of wages by credit to a payroll card; to change certain provisions relating to payment of wages by lawful money, checks, or credit transfer and selection of payment dates by employers; to require employers to offer employees certain choices and information relating to the payment of wages; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 125. By Senators Beach of the 21st, Williams of the 19th, Gooch of the 51st and Mullis of the 53rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the State Road and Tollway Authority, so as to authorize the collection of tolls for the management of traffic flow; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for definitions; to provide for the installation of managed lane signs, barriers, or gates; to prohibit entry or exit of a managed lane under certain conditions; to authorize the development of a system of managed lanes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 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.

Mr. Speaker:

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

SB 59. By Senators Hill of the 6th, Mullis of the 53rd, Gooch of the 51st, Beach of the 21st and Hill of the 32nd:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the O.C.G.A., relating to state government, so as to provide for a "Partnership for Public Facilities and Infrastructure Act"; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bills of the House:

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.

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

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

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

SB 65. By Senators Stone of the 23rd, Hill of the 6th, Albers of the 56th, McKoon of the 29th, Jones II of the 22nd and others:

A BILL To be entitled an Act to amend Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to exemptions for the purposes of bankruptcy and intestate insolvent estates, so as to change provisions relating to an exemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 9, Title 11, and Chapter 2 of Title 18 of the Official Code of Georgia Annotated, relating to verdict and judgment, the commercial code, and debtor and creditor relations, respectively, so as to change provisions in uniform Acts relating to debts and other obligations; to repeal the "Georgia Foreign Money Judgments Recognition Act" and enact the "Uniform Foreign-Country Money Judgments Recognition Act"; to provide for definitions; to provide for applicability; to provide for standards for recognition of foreign-country judgments; to provide for jurisdiction; to provide for procedure; to provide for the effect of recognition of foreign-country judgments; to provide for a stay of proceedings pending an appeal; to provide for uniformity; to provide for situations not covered by the "Uniform Foreign-Country Money Judgments Recognition Act"; to update and modernize various statutes in the commercial code relating to commercial transactions in order to maintain uniformity in this state's statutes governing commercial transactions as recommended by the National Conference of Commissioners on Uniform State Laws; to revise, add, and move defined terms; to reorganize Article 1, relating to general provisions, of the "Uniform Commercial Code"; to make conforming amendments to other articles of the "Uniform Commercial Code" to provide for accurate cross-references to the revised "Uniform Commercial Code"; to amend Titles 7, 10, 40, and 52 of the Official Code of Georgia Annotated, relating to banking and finance, commerce and trade, motor vehicles and

traffic, and waters of the state, ports, and watercraft, respectively, so as to make conforming cross-references to the revised "Uniform Commercial Code"; to repeal Article 6 of the Uniform Commercial Code, relating to bulk transfers, and make a conforming cross-reference; to revise the "Uniform Fraudulent Transfers Act" and enact the "Uniform Voidable Transactions Act"; to reform terminology and revise and add definitions; to provide the allocation of the burden of proof and define the standard of proof with respect to claims and defenses; to provide for governing law; to provide for the application to a series organization; to provide for uniformity of application and construction; to amend Article 3 of Chapter 3 of Title 9 and Code Section 17-14-17 of the Official Code of Georgia Annotated, relating to limitations on recovery for deficiencies connected with improvements to realty and resulting injuries and fraudulent transfers, respectively, so as to correct cross-references to the "Uniform Voidable Transactions Act"; to amend Article 6 of Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to the "Uniform Enforcement of Foreign Judgments Law," so as to provide for applicability of certain provisions in Chapter 11 of Title 9, the "Georgia Civil Practice Act"; to amend Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to exemptions for the purposes of bankruptcy and intestate insolvent estates, so as to change provisions relating to an exemption; to provide for a short title; to provide for legislative intent; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SHORT TITLE
SECTION 1-1.

(a) This Act shall be known and may be cited as the "Debtor-Creditor Uniform Law Modernization Act of 2015."
(b) To promote consistency among the states, it is the intent of the General Assembly to modernize certain existing uniform laws promulgated by the Uniform Law Commission affecting debtor and creditor rights, responsibilities, and relationships and other federally recognized laws affecting such rights, responsibilities, and relationships.

PART II
"UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT"
SECTION 2-1.

Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to verdict and judgment, is amended by revising Article 5, relating to the "Georgia Foreign Money Judgments Recognition Act," as follows:

"ARTICLE 5

9-12-110.
This article shall be known and may be cited as the 'Uniform Foreign-Country ~~Georgia Foreign~~ Money Judgments Recognition Act.'

9-12-111.
As used in this article, the term:
(1) 'Foreign country' means a government other than:
(A) The United States;
(B) Any state, district, commonwealth, territory, or insular possession of the United States; or
(C) Any other government with regard to which the decision in this state as to whether to recognize a judgment of such government's court is initially subject to determination under the Full Faith and Credit Clause of the United States Constitution.
~~(1)~~(2) 'Foreign-country judgment' '~~Foreign judgment~~' means any judgment of a ~~foreign state granting or denying recovery of a sum of money other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters~~ court of a foreign country.
~~(2) 'Foreign state' means any governmental unit other than:~~
~~(A) The United States;~~
~~(B) Any state, district, commonwealth, territory, or insular possession of the United States; or~~
~~(C) The Trust Territory of the Pacific Islands.~~

9-12-112.
(a) Except as otherwise provided in subsection (b) of this Code section, this ~~This~~ article applies to any ~~foreign~~ foreign-country judgment to the extent that such judgment:
(1) Grants or denies recovery of a sum of money; and
(2) Under the law of the foreign country where rendered, is final, conclusive, and enforceable ~~where rendered even though an appeal therefrom is pending or it is subject to appeal~~.
(b) This article shall not apply to a foreign-country judgment, even if such judgment grants or denies recovery of a sum of money, to the extent that such judgment is:
(1) A judgment for taxes;
(2) A fine or other penalty; or
(3) A judgment for divorce, support, or maintenance, or any other judgment rendered in connection with domestic relations.
(c) A party seeking recognition of a foreign-country judgment has the burden of establishing that this article applies to such foreign-country judgment.

9-12-113.

(a) Except as otherwise provided in ~~Code Sections 9-12-114 and 9-12-115, a foreign~~ subsection (b) of this Code section, a court of this state shall recognize a foreign-country judgment meeting the requirements of Code Section 9-12-112 ~~is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit~~.

~~9-12-114.~~

(b) A court of this state shall not recognize a foreign-country judgment ~~A foreign judgment shall not be recognized~~ if:

(1) The judgment was rendered under a judicial system ~~which~~ that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) The foreign court did not have personal jurisdiction over the defendant; or

(3) The foreign court did not have jurisdiction over the subject matter~~;~~.

(4) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable ~~him~~ the defendant to defend;

(5) The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case;

(6) The judgment or cause of action on which the judgment is based is repugnant to the public policy of this state or of the United States;

(7) The judgment conflicts with another final and conclusive judgment;

(8) The proceedings in the foreign court were contrary to an agreement between the parties under which the dispute in question was to be ~~settled~~ determined otherwise than by proceedings in ~~that~~ such foreign court;

(9) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action; ~~or~~

(10) ~~The party seeking to enforce the judgment fails to demonstrate that judgments of courts of the United States and of states thereof of the same type and based on substantially similar jurisdictional grounds are recognized and enforced in the courts of the foreign state.~~ The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to such judgment; or

(11) The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

(c) A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection (b) of this Code section exists.

~~9-12-115.~~ 9-12-114.

(a) A ~~foreign~~ foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if:

(1) The defendant was served personally in the foreign ~~state~~ country;

(2) The defendant voluntarily appeared in the proceedings other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over ~~him~~ the defendant;

(3) Prior to the commencement of the proceedings, the defendant had agreed ~~expressly in writing~~ to submit to the jurisdiction of the foreign court, with respect to the subject matter involved ~~in such proceedings, in an action by the party seeking to enforce the judgment~~;

(4) The defendant was domiciled in the foreign ~~state~~ country when the proceedings were instituted or~~, being a body corporate, then~~ was a corporation or other form of business organization that had its principal place of business in or was ~~incorporated in~~ organized under the laws of the foreign ~~state~~ country;

(5) The defendant had a business office in the foreign ~~state~~ country and the proceedings in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign ~~state; provided, however, that a business office in the foreign state which it maintained for the transaction of business by a subsidiary corporation of the defendant but which is not held out as a business office of the defendant shall not be deemed to be a business office of the defendant~~ country; or

(6) The defendant operated a motor vehicle or airplane in the foreign ~~state~~ country and the proceedings involved a cause of action arising out of such operation.

(b) The courts of this state may recognize other bases of personal jurisdiction~~; provided, however, that if the proceedings in the foreign court involved a cause of action arising out of business activities in the foreign state, the judgment shall not be recognized unless there is a basis for personal jurisdiction as specified~~ other than those listed in subsection (a) of this Code section.

9-12-115.

(a) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of such foreign-country judgment.

(b) If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or third-party claim.

(c) Chapter 11 of this title shall apply to any claim, counterclaim, cross-claim, or third-party claim for recognition of a foreign-country judgment.

9-12-116.

If the court in a proceeding under Code Section 9-12-115 finds that the foreign-country judgment is entitled to recognition under this article then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

(1) Conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive; and

(2) Enforceable in the same manner and to the same extent as a judgment rendered in this state.

~~9-12-116.~~ 9-12-117.
If ~~the defendant satisfies the court either~~ a party establishes that an appeal from a foreign-country judgment is pending or ~~that he is entitled and intends to appeal from the foreign judgment~~ will be taken, the court may stay the proceedings with regard to the foreign-country judgment until the time for appeal expires or the appellant has had sufficient time ~~been determined or until the expiration of a period of time sufficient to enable the defendant~~ to prosecute the appeal and has failed to do so.

9-12-118.
In applying and construing this article, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the 'Uniform Foreign-Country Money Judgments Recognition Act.'

~~9-12-117.~~ 9-12-119.
This article does not prevent the recognition under principles of comity or otherwise of a ~~foreign~~ foreign-country judgment ~~in situations not covered by~~ not within the scope of this article."

PART IIIA
NATIONAL CONFERENCE OF
COMMISSIONERS ON UNIFORM STATE LAWS
RECOMMENDED CHANGES TO THE COMMERCIAL CODE
SECTION 3A-1.

Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, is amended by revising Article 1, relating to general provisions, as follows:

"ARTICLE 1
GENERAL PROVISIONS
Part 1
~~Short Title, Construction, Application, and Subject Matter of Title~~
General Provisions

11-1-101. **Short ~~title~~ titles.**
(a) This Title 11 shall be known as and may be cited as the 'Uniform Commercial Code.'
(b) This article shall be known as and may be cited as the 'Uniform Commercial Code – General Provisions.'

11-1-102. **Scope of article.**
This article shall apply to a transaction to the extent that it is governed by another article of this title.

~~11-1-102.~~ 11-1-103. **Rules of construction to promote purposes and policies; applicability of supplemental principles of law.** ~~**Purposes; rules of construction; variation by agreement.**~~
~~(1)~~(a) This title shall be liberally construed and applied to promote its underlying purposes and policies~~.~~
~~(2) Underlying purposes and policies of this title~~ which are:
~~(a)~~(1) To simplify, clarify, and modernize the law governing commercial transactions;
~~(b)~~(2) To permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and
~~(c)~~(3) To make uniform the law among the various jurisdictions.
(b) Unless displaced by the particular provisions of this title, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause shall supplement its provisions.
~~(3) The effect of provisions of this title may be varied by agreement, except as otherwise provided in this title and except that the obligations of good faith, diligence, reasonableness, and care prescribed by this title may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.~~
~~(4) The presence in certain provisions of this title of the words 'unless otherwise agreed' or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3) of this Code section.~~
~~(5) In this title unless the context otherwise requires:~~
~~(a) Words in the singular number include the plural, and in the plural include the singular;~~
~~(b) Words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.~~

~~11-1-103.~~ ~~**Supplementary general principles of law applicable.**~~
~~Unless displaced by the particular provisions of this title, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.~~

11-1-104. **Construction against implicit repeal.**
This title being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

11-1-105. **Severability.** ~~**Territorial application of the title; parties' power to choose applicable law.**~~

If any provision or clause of this title or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this title which can be given effect without the invalid provision or application, and to this end the provisions of this title are declared to be severable.

~~(1) Except as provided hereafter in this Code section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this title applies to transactions bearing an appropriate relation to this state.~~

~~(2) Where one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:~~

~~Rights of creditors against sold goods. Code Section 11-2-402.~~

~~Applicability of the article of this title on leases (Article 2A of this title). Code Sections 11-2A-105 and 11-2A-106.~~

~~Applicability of the article of this title on bank deposits and collections (Article 4 of this title). Code Section 11-4-102.~~

~~Bulk transfers subject to the article of this title on bulk transfers (Article 6 of this title). Code Section 11-6-102.~~

~~Applicability of the article of this title on investment securities (Article 8 of this title). Code Section 11-8-110.~~

~~Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens. Code Sections 11-9-301 through 11-9-307.~~

~~Governing law in the article on funds transfers (Article 4A of this title). Code Section 11-4A-507.~~

11-1-106. **Use of singular and plural; gender.** ~~**Remedies to be liberally administered.**~~

In this title unless the statutory context otherwise requires:

(1) Words in the singular number include the plural, and words in the plural include the singular; and ~~The remedies provided by this title shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this title or by other rule of law.~~

(2) Words of any gender also refer to any other gender. ~~Any right or obligation declared by this title is enforceable by action unless the provision declaring it specifies a different and limited effect.~~

11-1-107. **Section captions.** ~~**Waiver or renunciation of claim or right after breach.**~~ Section captions are parts of this title. ~~Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.~~

11-1-108. **Relation to electronic signatures in Global and National Commerce Act.** ~~**Severability.**~~
~~If any provision or clause of this title or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are declared to be severable.~~
This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but shall not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

~~11-1-109. **Section captions.**~~
~~Section captions are parts of this title.~~

Part 2
General Definitions and Principles of Interpretation

11-1-201. **General definitions.**
(a) Unless the context otherwise requires, words or phrases defined in this Code section, or in the additional definitions contained in other articles of this title that apply to particular articles or parts thereof, have the meanings stated.
(b) Subject to additional definitions contained in the ~~subsequent~~ other articles of this title ~~which~~ that are applicable to specific articles or parts thereof, ~~and unless the context otherwise requires,~~ in this title:

(1) 'Action' in the sense of a judicial proceeding includes recoupment, counterclaim, setoff, suit in equity, and any other proceedings in which rights are determined.

(2) 'Aggrieved party' means a party entitled to ~~resort to~~ pursue a remedy.

(3) 'Agreement,' as distinguished from 'contract,' ~~'Agreement'~~ means the bargain of the parties in fact as found in their language or ~~by implication~~ inferred from other circumstances including course of performance, course of dealing, or usage of trade ~~or course of performance~~ as provided in ~~this title (Code Sections 11-1-205 and 11-2-208). Whether an agreement has legal consequences is determined by the provisions of this title, if applicable; otherwise by the law of contracts (Code Section 11-1-103)~~ Code Section 11-1-303.

(4) 'Bank' means ~~any~~ a person engaged in the business of banking~~. Wherever the word 'branch' is used in this title, with reference to a bank, it shall mean 'branch office'~~

~~as that term is defined in Code Section 7-1-600~~ and includes a savings bank, savings and loan association, credit union, or trust company.

(5) 'Bearer' means a person in control of a negotiable ~~electronic~~ instrument, document of title, or ~~a person in possession of an instrument, a negotiable tangible document of title, or a~~ certificated security payable to bearer or indorsed in blank.

(6) 'Bill of lading' means a document ~~of title~~ evidencing the receipt of goods for shipment issued by a person engaged in the business of ~~directly or indirectly~~ transporting or forwarding goods. ~~The term does not include a warehouse receipt.~~

(7) 'Branch' includes a separately incorporated foreign branch of a bank.

(8) 'Burden of establishing' a fact means the burden of persuading the ~~triers~~ trier of fact that the existence of the fact is more probable than its nonexistence.

(9) 'Buyer in ordinary course of business' means a person that buys goods in good faith without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in the ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 of this title may be a buyer in ordinary course of business. A person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt is not a buyer in ordinary course of business.

(10) 'Conspicuous,' with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is 'conspicuous' or not is a decision for the court. Conspicuous terms include the following:

(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(11) 'Consumer' means an individual who enters into a transaction primarily for personal, family, or household purposes.

~~(11)~~(12) 'Contract,' as distinguished from 'agreement,' means the total legal obligation ~~which~~ that results from the parties' agreement as ~~affected~~ determined by this title and any other applicable ~~rules of~~ law.

~~(12)~~(13) 'Creditor' includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a

trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

~~(13)~~(14) 'Defendant' includes a person in the position of defendant in a ~~cross-action or~~ counterclaim, cross-claim, or third-party claim.

~~(14)~~(15) 'Delivery' with respect to an ~~electronic~~ instrument, document of title, or chattel paper means voluntary transfer of ~~control and with respect to instruments, tangible documents of title, chattel paper, or certificated securities means voluntary transfer of~~ possession.

~~(15)~~(16) 'Document of title' ~~means a record (a) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (b) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term~~ includes a bill of lading, ~~transport document,~~ dock warrant, dock receipt, warehouse receipt, ~~and~~ or order for delivery of goods~~. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium~~ and any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the goods it covers. To be a document of title, a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

~~(16)~~(17) 'Fault' means a default, breach, or wrongful act~~,~~ or omission~~, or breach~~.

~~(17)~~(18) 'Fungible goods' ~~with respect to goods or securities~~ means ~~goods or securities~~:

(A) Goods of which any unit is, by nature or usage of trade, the equivalent of any other like unit~~.~~; or

(B) Goods ~~which are not fungible shall be deemed fungible for the purposes of this title to the extent~~ that ~~under a particular~~ by agreement ~~or document unlike units~~ are treated as ~~equivalents~~ equivalent.

~~(18)~~(19) 'Genuine' means free of forgery or counterfeiting.

~~(19)~~(20) 'Good faith,' except as otherwise provided in Article 5 of this title, means honesty in fact ~~in the conduct or transaction concerned~~ and the observance of reasonable commercial standards of fair dealing.

~~(20)~~(21) 'Holder' means:

~~(a)~~(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession; or

~~(b)~~(B) The person in possession of a ~~negotiable tangible~~ document of title if the goods are deliverable either to bearer or to the order of the person in possession~~; or~~

~~(c) The person in control of a negotiable electronic document of title~~.

~~(21) To 'honor' is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.~~

(22) 'Insolvency ~~proceedings'~~ proceeding' includes any assignment for the benefit of creditors or other ~~proceedings~~ proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) 'Insolvent' means:

(A) Having generally ~~A person is 'insolvent' who either has~~ ceased to pay ~~his~~ debts in the ordinary course of business other than as a result of bona fide dispute; ~~or cannot pay his~~

(B) Being unable to pay debts as they become due; or ~~is insolvent~~

(C) Being insolvent within the meaning of the federal bankruptcy law.

(24) 'Money' means a medium of exchange authorized or adopted by a domestic or foreign government and includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more ~~nations~~ countries.

~~(25) Subject to subsection (27) of this Code section, a person has 'notice' of a fact if the person:~~

~~(a) Has actual knowledge of it;~~

~~(b) Has received a notice or notification of it; or~~

~~(c) From all the facts and circumstances known to the person at the time in question, has reason to know that it exists.~~

~~A person 'knows' or has 'knowledge' of a fact when the person has actual knowledge of it. 'Discover' or 'learn' or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this title.~~

~~(26) A person 'notifies' or 'gives' a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it. Subject to subsection (27) of this Code section, a person 'receives' a notice or notification when:~~

~~(a) It comes to that person's attention; or~~

~~(b) It is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.~~

~~(27) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event, from the time when it would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of the individual's regular duties or the individual~~

~~has reason to know of the transaction and that the transaction would be materially affected by the information.~~

~~(28)~~(25) 'Organization' ~~includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity~~ means a person other than an individual.

~~(29)~~(26) 'Party,' as distinct from 'third party,' means a person who has engaged in a transaction or made an agreement ~~within~~ subject to this title.

~~(30)~~(27) 'Person' ~~includes~~ means an individual, ~~or an organization (see Code Section 11-1-102)~~ corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(28) 'Present value' means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

~~(31) 'Presumption' or 'presumed' means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.~~

~~(31.1) 'Public sale' means a sale:~~

~~(A) Held at a place reasonably available to persons who might desire to attend and submit bids; and~~

~~(B) At which those attending shall be given the opportunity to bid on a competitive basis; and~~

~~(C) At which the sale, if made, shall be made to the highest and best bidder; and~~

~~(D) Except as otherwise provided in this title for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 10:00 A.M. and 4:00 P.M., and the place of sale and shall briefly identify the goods to be sold.~~

~~The provisions of this paragraph shall not be in derogation of any additional requirements relating to notice of and conduct of any such public sale as may be contained in other provisions of this title but shall be supplementary thereto.~~

~~(32)~~(29) 'Purchase' ~~includes~~ means taking by sale, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

~~(33)~~(30) 'Purchaser' means a person who takes by purchase.

(31) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(34)~~(32) 'Remedy' means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~(35)~~(33) 'Representative' means a person empowered to act for another, including ~~includes~~ an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate~~, or any other person empowered to act for another~~.

~~(36)~~(34) 'Rights' includes remedies.

~~(37)~~(35) 'Security interest' means an interest in personal property or fixtures which secures payment or performance of an obligation. The term also includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9 of this title. The term does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under Code Section 11-2-401, ~~is not a 'security interest,'~~ but a buyer may also acquire a 'security interest' by complying with Article 9 of this title. Except as otherwise provided in Code Section 11-2-505, the right of a seller or lessor of goods under Article 2 or 2A of this title to retain or acquire possession of the goods is not a 'security interest,' but a seller or lessor may also acquire a 'security interest' by complying with Article 9 of this title. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer ~~(~~under Code Section 11-2-401~~)~~ is limited in effect to a reservation of a 'security interest.'

Whether a transaction ~~creates~~ in the form of a lease ~~or~~ creates a 'security interest' ~~is~~ shall be determined pursuant to Code Section 11-1-203. ~~by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and~~

~~(a) The original term of the lease is equal to or greater than the remaining economic life of the goods,~~

~~(b) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods,~~

~~(c) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement, or~~

~~(d) The lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.~~

~~A transaction does not create a security interest merely because it provides that~~

~~(a) The present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into,~~

~~(b) The lessee assumes risk of loss of the goods, or agrees to pay taxes, insurance, filing, recording, or registration fees, or service or maintenance costs with respect to the goods,~~

~~(c) The lessee has an option to renew the lease or to become the owner of the goods,~~

~~(d) The lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed, or~~

~~(e) The lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.~~

~~For purposes of this subsection (37):~~

~~(x) Additional consideration is not nominal if (i) when the option to renew the lease is granted to the lessee the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed, or (ii) when the option to become the owner of the goods is granted to the lessee the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised;~~

~~(y) 'Reasonably predictable' and 'remaining economic life of the goods' are to be determined with reference to the facts and circumstances at the time the transaction is entered into; and~~

~~(z) 'Present value' means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the transaction is entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.~~

~~(38)~~(36) 'Send' in connection with a writing, record, or notice means:

~~(a)~~(A) To deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; or

~~(b)~~(B) In any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

~~(39)~~(37) 'Signed' includes using any symbol executed or adopted ~~by a party~~ with present intention to ~~authenticate~~ adopt or accept a writing.

(38) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(40)~~(39) 'Surety' includes a guarantor or other secondary obligor.

~~(41) 'Telegram' includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.~~

~~(42)~~(40) 'Term' means that portion of an agreement ~~which~~ that relates to a particular matter.

~~(43)~~(41) 'Unauthorized~~'~~ signature' means ~~one~~ a signature made without actual, implied, or apparent authority. The term ~~and~~ includes a forgery.

~~(44) 'Value': Except as otherwise provided with respect to negotiable instruments and bank collections (Code Sections 11-3-303, 11-4-208, and 11-4-209) a person gives 'value' for rights if he acquires them:~~

~~(a) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or~~

~~(b) As security for or in total or partial satisfaction of a preexisting claim; or~~

~~(c) By accepting delivery pursuant to a preexisting contract for purchase; or~~

~~(d) Generally, in return for any consideration sufficient to support a simple contract.~~

~~(45)~~(42) 'Warehouse receipt' means a ~~document of title~~ receipt issued by a person engaged in the business of storing goods for hire.

~~(46)~~(43) 'Written' or 'writing' includes printing, typewriting, or any other intentional reduction to tangible form.

11-1-202. **Notice; knowledge.** ~~**Prima-facie evidence by third party documents.**~~

~~A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.~~

(a) Subject to subsection (f) of this Code section, a person has 'notice' of a fact if the person:

(1) Has actual knowledge of it;

(2) Has received a notice or notification of it; or

(3) From all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

(b) 'Knows' or 'knowledge' means actual knowledge.

(c) 'Discover,' 'learn,' or words of similar import refer to knowledge rather than to reason to know.

(d) A person 'notifies' or 'gives' a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in the ordinary course, whether or not the other person actually comes to know of it.

(e) Subject to subsection (f) of this Code section, a person 'receives' a notice or notification when:

(1) It comes to that person's attention; or

(2) It is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(f) Notice, knowledge, or a notice or notification received by an organization shall be effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have

been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

11-1-203. **Lease distinguished from security interest.** ~~**Obligation of good faith.** Every contract or duty within this title imposes an obligation of good faith in its performance or enforcement.~~

(a) Whether a transaction in the form of a lease creates a security interest is determined by the facts of each case.

(b) A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay to the lessor for the right to possession and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee, and:

(1) The original term of the lease is equal to or greater than the remaining economic life of the goods;

(2) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

(3) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement; or

(4) The lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

(c) A transaction in the form of a lease does not create a security interest merely because:

(1) The present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(2) The lessee assumes risk of loss of the goods;

(3) The lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or maintenance costs;

(4) The lessee has an option to renew the lease or to become the owner of the goods;

(5) The lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

(6) The lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(d) Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

(1) When the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

(2) When the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

(e) The 'remaining economic life of the goods' and 'reasonably predictable' fair market rent, fair market value, or cost of performing under the lease agreement must be determined with reference to the facts and circumstances at the time the transaction is entered into.

11-1-204. **Value.**

Except as otherwise provided in Articles 3, 4, 5, and 6 of this title, a person gives value for rights if the person acquires them:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for, or in total or partial satisfaction of, a preexisting claim;

(3) By accepting delivery under a preexisting contract for purchase; or

(4) In return for any consideration sufficient to support a simple contract.

~~11-1-204.~~ 11-1-205. **Reasonable time; seasonableness.** ~~**Time; reasonable time; 'seasonably.'**~~

~~(1) Whenever this title requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.~~

~~(2) What is a reasonable~~

(a) Whether a time for taking any action required by this title is reasonable depends on the nature, purpose, and circumstances of such action.

~~(3)~~(b) An action is taken 'seasonably' ~~when~~ if it is taken at or within the time agreed, or if no time is agreed, at or within a reasonable time.

~~11-1-205. **Course of dealing and usage of trade.**~~

~~(1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.~~

~~(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.~~

~~(3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.~~
~~(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.~~
~~(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.~~
~~(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.~~

11-1-206. **Presumptions.** ~~**Statute of frauds for kinds of personal property not otherwise covered.**~~
Whenever this title creates a 'presumption' with respect to a fact, or provides that a fact is 'presumed,' the trier of fact must find the existence of the fact presumed unless and until evidence is introduced that supports a finding of its nonexistence.
~~(1) Except in the cases described in subsection (2) of this Code section a contract for the sale of personal property is not enforceable by way of action or defense beyond $5,000.00 in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.~~
~~(2) Subsection (1) of this Code section does not apply to contracts for the sale of goods (Code Section 11-2-201) nor of securities (Code Section 11-8-113) nor to security agreements (Code Section 11-9-203).~~

~~11-1-207. **Performance or acceptance under reservation of rights.**~~
~~(1) A party who, with explicit reservation of rights, performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as 'without prejudice,' 'under protest' or the like are sufficient.~~
~~(2) Subsection (1) of this Code section does not apply to an accord and satisfaction.~~

~~11-1-208. **Option to accelerate at will.**~~
~~A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral 'at will' or 'when he deems himself insecure' or in words of similar import shall be construed to mean that he shall have power to do so only if he in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.~~

~~11-1-209. **Subordinated obligations.**~~
~~An obligation may be issued as subordinated to payment of another obligation of the person obligated, or a creditor may subordinate his right to payment of an obligation by agreement with either the person obligated or another creditor of the person obligated. Such a subordination does not create a security interest as against either the common debtor or a subordinated creditor. This Code section shall be construed as declaring the law as it existed prior to the enactment of this Code section and not as modifying it.~~

Part 3
Territorial Applicability and General Rules

11-1-301. **Territorial applicability; parties' power to choose applicable law.**
(a) Except as otherwise provided in this Code section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.
(b) In the absence of an agreement under subsection (a) of this Code section, and except as provided in subsection (c) of this Code section, this title applies to transactions bearing an appropriate relation to this state.
(c) If one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:
(1) Code Section 11-2-402;
(2) Code Sections 11-2A-105 and 11-2A-106;
(3) Code Section 11-4-102;
(4) Code Section 11-4A-507;
(5) Code Section 11-5-116;
(6) Code Section 11-6-103;
(7) Code Section 11-8-110; or
(8) Code Sections 11-9-301 through 11-9-307.

11-1-302. **Variation by agreement.**
(a) Except as otherwise provided in subsection (b) of this Code section or elsewhere in this title, the effect of provisions of this title may be varied by agreement.
(b) The obligations of good faith, diligence, reasonableness, and care prescribed by this title may not be disclaimed by agreement. The parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable. Whenever this title requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.
(c) The presence in certain provisions of this title of the phrase 'unless otherwise agreed' or words of similar import does not imply that the effect of other provisions may not be varied by agreement under this Code section.

11-1-303. **Course of performance, course of dealing, and usage of trade.**
(a) A 'course of performance' is a sequence of conduct between the parties to a particular transaction that exists if:
(1) The agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and
(2) The other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.
(b) A 'course of dealing' is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.
(c) A 'usage of trade' is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage must be proved as facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.
(d) A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties' agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.
(e) Except as otherwise provided in subsection (f) of this Code section, the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade shall be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:
(1) Express terms prevail over course of performance, course of dealing, and usage of trade;
(2) Course of performance prevails over course of dealing and usage of trade; and
(3) Course of dealing prevails over usage of trade.
(f) Subject to Code Section 11-2-209, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.
(g) Evidence of a relevant usage of trade offered by one party shall not be admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

11-1-304. **Obligation of good faith.**
Every contract or duty within this title imposes an obligation of good faith in its performance and enforcement.

11-1-305. **Remedies to be liberally administered.**
(a) The remedies provided by this title shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special damages nor penal damages may be had except as specifically provided in this title or by other rule of law.
(b) Any right or obligation declared by this title shall be enforceable by action unless the provision declaring it specifies a different and limited effect.

11-1-306. **Waiver or renunciation of claim or right after breach.**
A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

11-1-307. **Prima-facie evidence by third party documents.**
A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima-facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

11-1-308. **Performance or acceptance under reservation of rights.**
(a) A party who, with explicit reservation of rights, performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as 'without prejudice,' 'under protest,' or the like are sufficient.
(b) Subsection (a) of this Code section shall not apply to an accord and satisfaction.

11-1-309. **Option to accelerate at will.**
A term providing that one party or that party's successor in interest may accelerate payment or performance or require collateral or additional collateral 'at will' or when the party 'deems itself insecure' or words of similar import shall be construed to mean that the party shall have power to do so only if that party in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.

11-1-310. **Subordinated obligations.**
An obligation may be issued as subordinated to performance of another obligation of the person obligated, or a creditor may subordinate its right to performance of an obligation by agreement with either the person obligated or another creditor of the person obligated. Such a subordination does not create a security interest as against either the common debtor or a subordinated creditor."

PART IIIB
CONFORMING CROSS-REFERENCES
IN THE UCC TO PART IIIA
SECTION 3B-1.

Said title is further amended by revising subsection (1) of Code Section 11-2-103, relating to definitions and index of definitions, as follows:

"(1) In this article unless the context otherwise requires:

(a) 'Buyer' means a person who buys or contracts to buy goods.

(b) Reserved. ~~'Good faith' in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.~~

(c) 'Receipt' of goods means taking physical possession of them.

(d) 'Seller' means a person who sells or contracts to sell goods."

SECTION 3B-2.

Said title is further amended by revising Code Section 11-2-202, relating to final written expression and parol or extrinsic evidence, as follows:

"11-2-202. **Final written expression; parol or extrinsic evidence.**

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(a) By ~~course of dealing or usage of trade (Code Section 11-1-205) or by~~ course of performance, course of dealing, or usage of trade (Code Section ~~11-2-208~~ 11-1-303); and

(b) By evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement."

SECTION 3B-3.

Said title is further amended by revising Code Section 11-2-208, relating to course of performance or practical construction, as follows:

"11-2-208. ~~**Course of performance or practical construction.**~~

Reserved.

~~(1) Where the contract for sale involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acquiesced in without objection shall be relevant to determine the meaning of the agreement.~~

~~(2) The express terms of the agreement and any such course of performance, as well as any course of dealing and usage of trade, shall be construed whenever reasonable as consistent with each other; but when such construction is unreasonable, express terms~~

~~shall control course of performance and course of performance shall control both course of dealing and usage of trade (Code Section 11-1-205).~~

~~(3) Subject to the provisions of Code Section 11-2-209 on modification and waiver, such course of performance shall be relevant to show a waiver or modification of any term inconsistent with such course of performance.~~"

SECTION 3B-4.

Said title is further amended by revising subsection (3) of Code Section 11-2A-103, relating to definitions and index of definitions, as follows:

"(3) The following definitions in other articles of this title apply to this article:

'Account.' Code Section 11-9-102(a).
'Between merchants.' Code Section 11-2-104(3).
'Buyer.' Code Section 11-2-103(1)(a).
'Chattel paper.' Code Section 11-9-102(a).
'Consumer goods.' Code Section 11-9-102(a).
'Document.' Code Section 11-9-102(a).
'Entrusting.' Code Section 11-2-403(3).
'General intangible.' Code Section 11-9-102(a).
~~'Good faith.' Code Section 11-2-103(1)(b).~~
'Instrument.' Code Section 11-9-102(a).
'Merchant.' Code Section 11-2-104(1).
'Mortgage.' Code Section 11-9-102(a).
'Pursuant to commitment.' Code Section 11-9-102(a).
'Receipt.' Code Section 11-2-103(1)(c).
'Sale.' Code Section 11-2-106(1).
'Sale on approval.' Code Section 11-2-326.
'Sale or return.' Code Section 11-2-326.
'Seller.' Code Section 11-2-103(1)(d)."

SECTION 3B-5.

Said title is further amended by revising Code Section 11-2A-207, relating to course of performance or practical construction, as follows:

"11-2A-207. ~~**Course of performance or practical construction.**~~

Reserved.

~~(1) If a lease contract involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acquiesced in without objection is relevant to determine the meaning of the lease agreement.~~

~~(2) The express terms of a lease agreement and any course of performance, as well as any course of dealing and usage of trade, must be construed whenever reasonable as consistent with each other; but if that construction is unreasonable, express terms control course of performance, course of performance controls both course of dealing and usage of trade, and course of dealing controls usage of trade.~~

~~(3) Subject to the provisions of Code Section 11-2A-208 on modification and waiver, course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.~~"

SECTION 3B-6.

Said title is further amended by revising subsection (4) of Code Section 11-2A-501, relating to default and procedure, as follows:

"(4) Except as otherwise provided in Code Section ~~11-1-106(1)~~ 11-1-305(a) or this article or the lease agreement, the rights and remedies referred to in subsections (2) and (3) are cumulative."

SECTION 3B-7.

Said title is further amended by revising subsection (2) of Code Section 11-2A-518, relating to cover and substitute goods, as follows:

"(2) Except as otherwise provided with respect to damages liquidated in the lease agreement (Code Section 11-2A-504) or otherwise determined pursuant to agreement of the parties (Code Sections ~~11-1-102(3)~~ 11-1-302 and 11-2A-503), if a lessee's cover is by a lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessee may recover from the lessor as damages (i) the present value, as of the date of the commencement of the term of the new lease agreement, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement minus the present value as of the same date of the total rent for the then remaining lease term of the original lease agreement, and (ii) any incidental or consequential damages, less expenses saved in consequence of the lessor's default."

SECTION 3B-8.

Said title is further amended by revising subsection (1) of Code Section 11-2A-519, relating to lessee's damages for non-delivery, repudiation, default, and breach of warranty in regard to accepted goods, as follows:

"(1) Except as otherwise provided with respect to damages liquidated in the lease agreement (Code Section 11-2A-504) or otherwise determined pursuant to agreement of the parties (Code Sections ~~11-1-102(3)~~ 11-1-302 and 11-2A-503), if a lessee elects not to cover or a lessee elects to cover and the cover is by lease agreement that for any reason does not qualify for treatment under Code Section 11-2A-518(2), or is by purchase or otherwise, the measure of damages for non-delivery or repudiation by the lessor or for rejection or revocation of acceptance by the lessee is the present value, as of the date of the default, of the then market rent minus the present value as of the same date of the original rent, computed for the remaining lease term of the original lease agreement, together with incidental and consequential damages, less expenses saved in consequence of the lessor's default."

SECTION 3B-9.

Said title is further amended by revising subsection (2) of Code Section 11-2A-527, relating to lessor's rights to dispose of goods, as follows:

"(2) Except as otherwise provided with respect to damages liquidated in the lease agreement (Code Section 11-2A-504) or otherwise determined pursuant to agreement of the parties (Code Sections ~~11-1-102(3)~~ 11-1-302 and 11-2A-503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages (i) accrued and unpaid rent as of the date of the commencement of the term of the new lease agreement, (ii) the present value, as of the same date, of the total rent for the then remaining lease term of the original lease agreement minus the present value, as of the same date, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement, and (iii) any incidental damages allowed under Code Section 11-2A-530, less expenses saved in consequence of the lessee's default."

SECTION 3B-10.

Said title is further amended by revising subsection (1) of Code Section 11-2A-528, relating to lessor's damages for nonacceptance, failure to pay, repudiation, or other default, as follows:

"(1) Except as otherwise provided with respect to damages liquidated in the lease agreement (Code Section 11-2A-504) or otherwise determined pursuant to agreement of the parties (Code Sections ~~11-1-102(3)~~ 11-1-302 and 11-2A-503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under Code Section 11-2A-527(2), or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in Code Section 11-2A-523(1) or 11-2A-523(3)(a), or, if agreed, for other default of the lessee, (i) accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor, (ii) the present value as of the date determined under clause (i) of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term, and (iii) any incidental damages allowed under Code Section 11-2A-530, less expenses saved in consequence of the lessee's default."

SECTION 3B-11.

Said title is further amended by revising paragraphs (4) and (10) of subsection (a) of Code Section 11-3-103, relating to definitions, as follows:

"(4) Reserved. ~~'Good faith' means honesty in fact and the observance of reasonable commercial standards of fair dealing.~~"

"(10) 'Prove' with respect to a fact means to meet the burden of establishing the fact ~~as 'burden of establishing' is defined in subsection (8) of~~ within the meaning of Code Section 11-1-201(b)(8)."

SECTION 3B-12.

Said title is further amended by revising subsection (c) of Code Section 11-4-104, relating to definitions and index of definitions, as follows:

"(c) 'Control' as provided in Code Section 11-7-106 and the following definitions in other articles of this title apply to this article:

'Acceptance.' Code Section 11-3-409.
'Alteration.' Code Section 11-3-407.
'Cashier's check.' Code Section 11-3-104.
'Certificate of deposit.' Code Section 11-3-104.
'Certified check.' Code Section 11-3-409.
'Check.' Code Section 11-3-104.
~~'Good faith.' Code Section 11-3-103.~~
'Holder in due course.' Code Section 11-3-302.
'Instrument.' Code Section 11-3-104.
'Notice of dishonor.' Code Section 11-3-503.
'Order.' Code Section 11-3-103.
'Ordinary care.' Code Section 11-3-103.
'Person entitled to enforce.' Code Section 11-3-301.
'Presentment.' Code Section 11-3-501.
'Promise.' Code Section 11-3-103.
'Prove.' Code Section 11-3-103.
'Teller's check.' Code Section 11-3-104.
'Unauthorized signature.' Code Section 11-3-403."

SECTION 3B-13.

Said title is further amended by revising paragraphs (6) and (7) of subsection (a) of Code Section 11-4A-105, relating to other definitions, as follows:

"(6) Reserved. ~~'Good faith' means honesty in fact and the observance of reasonable commercial standards of fair dealing.~~

(7) 'Prove' with respect to a fact means to meet the burden of establishing the fact (Code Section 11-1-201(b)(8))."

SECTION 3B-14.

Said title is further amended by revising subsection (a) of Code Section 11-4A-106, relating to time payment order is received, as follows:

"(a) The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in Code Section ~~11-1-201(27)~~ 11-1-202. A receiving bank may fix a cut-off time or times on a funds-transfer business day for the receipt and processing of payment orders and

communications canceling or amending payment orders. Different cut-off times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cut-off time may apply to senders generally or different cut-off times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a payment order is received after the close of a funds-transfer business day or after the appropriate cut-off time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day."

SECTION 3B-15.

Said title is further amended by revising subsection (b) of Code Section 11-4A-204, relating to refund of payment and duty of customer to report with respect to unauthorized payment order, as follows:

"(b) Reasonable time under subsection (a) of this Code section may be fixed by agreement as stated in subsection (b) of Code Section ~~11-1-204(1)~~ 11-1-302, but the obligation of a receiving bank to refund payment as stated in subsection (a) of this Code section may not otherwise be varied by agreement."

SECTION 3B-16.

Said title is further amended by revising subsection (c) of Code Section 11-5-103, relating to scope, as follows:

"(c) With the exception of subsections (a), (b), and (d) of this Code section, paragraphs (9) and (10) of subsection (a) of Code Section 11-5-102, subsection (d) of Code Section 11-5-106, and subsection (d) of Code Section 11-5-114 and except to the extent prohibited in ~~subsection (3) of~~ Code Section ~~11-1-102~~ 11-1-302 and subsection (d) of Code Section 11-5-117, the effect of this article may be varied by agreement or by a provision stated or incorporated by reference in an undertaking. A term in an agreement or undertaking generally excusing liability or generally limiting remedies for failure to perform obligations is not sufficient to vary obligations prescribed by this article."

SECTION 3B-17.

Said title is further amended by revising paragraph (10) of subsection (a) of Code Section 11-8-102, relating to definitions, as follows:

"(10) Reserved. ~~'Good faith,' for purposes of the obligation of good faith in the performance or enforcement of contracts or duties within this article, means honesty in fact and the observance of reasonable commercial standards of fair dealing.~~"

SECTION 3B-18.

Said title is further amended by revising paragraph (44) of subsection (a) of Code Section 11-9-102, relating to definitions and index of definitions, as follows:

"(44) Reserved. ~~'Good faith' means honesty in fact and the observance of reasonable commercial standards of fair dealing.~~"

SECTION 3B-19.

Said title is further amended by revising Code Section 11-11-101, relating to effective date and definition, as follows:

"11-11-101. **Effective date~~; definitions~~.**

~~(1)~~ This Act shall become effective at 12:01 A.M. on July 1, 1978.

~~(2) As used in this article:~~

~~(a) 'Old Article 9 of this title' means Code Sections 11-1-105, 11-1-201(9), 11-1-201(37), 11-2-107, 11-5-116, and Article 9 of this title, as they are in effect on June 30, 1978, immediately prior to the effective date of this Act.~~

~~(b) 'Revised Article 9 of this title' means Code Sections 11-1-105, 11-1-201(9), 11-1-201(37), 11-1-209, 11-2-107, 11-5-116, and Article 9 of this title as said provisions are enacted pursuant to this Act.~~"

PART IIIC
CONFORMING CROSS-REFERENCES
IN THE CODE TO PART IIIA
SECTION 3C-1.

Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is amended by revising paragraph (29) of Code Section 7-1-4, relating to definitions, as follows:

"(29) 'Public sale' means a sale ~~as defined in paragraph (31.1) of Code Section 11-1-201~~:

(A) Held at a place reasonably available to persons who might desire to attend and submit bids;

(B) At which those attending shall be given the opportunity to bid on a competitive basis;

(C) At which the sale, if made, shall be made to the highest and best bidder; and

(D) Except as otherwise provided in Title 11 for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 9:00 A.M. and 5:00 P.M., and the place of sale and shall briefly identify the goods to be sold."

SECTION 3C-2.

Said title is further amended by revising paragraph (23) of Code Section 7-1-680, relating to definitions, as follows:

"(23) 'Signed' shall have the same meaning as provided in ~~paragraph (39) of~~ Code Section 11-1-201."

SECTION 3C-3.

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended by revising paragraph (8) of Code Section 10-1-622, relating to definitions, as follows:

"(8) 'Good faith' means honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as defined ~~and interpreted~~ in Code Section ~~11-1-203~~ 11-1-201."

SECTION 3C-4.

Said title is further amended by revising subsection (b) of Code Section 10-12-3, relating to the applicability to electronic records and signatures relating to a transaction, as follows:

"(b) This chapter shall not apply to a transaction to the extent it is governed by:

(1) A law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) Title 11 other than ~~Code Sections 11-1-107 and 11-1-206~~ Code Section 11-1-306, Article 2, and Article 2A; or

(3) The Uniform Computer Information Transactions Act."

SECTION 3C-5.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subsection (a) of Code Section 40-11-6, relating to sale of vehicle pursuant to foreclosure, as follows:

"(a)(1) As used in this subsection, the term 'public sale' means a sale:

(A) Held at a place reasonably available to persons who might desire to attend and submit bids;

(B) At which those attending shall be given the opportunity to bid on a competitive basis;

(C) At which the sale, if made, shall be made to the highest and best bidder; and

(D) Except as otherwise provided in Title 11 for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 9:00 A.M. and 5:00 P.M., and the place of sale and shall briefly identify the goods to be sold.

(2) Upon order of the court, the person holding the lien on the abandoned motor vehicle shall be authorized to sell such motor vehicle at public sale~~, as defined by Code Section 11-1-201~~."

SECTION 3C-6.

Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and watercraft, is amended by revising subsection (a) of Code Section 52-7-75, relating to public sale of vessel and disposition of excess proceeds, as follows:

"(a)(1) As used in this subsection, the term 'public sale' means a sale:

(A) Held at a place reasonably available to persons who might desire to attend and submit bids;

(B) At which those attending shall be given the opportunity to bid on a competitive basis;

(C) At which the sale, if made, shall be made to the highest and best bidder; and

(D) Except as otherwise provided in Title 11 for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 9:00 A.M. and 5:00 P.M., and the place of sale and shall briefly identify the goods to be sold.

(2) Upon order of the court, the person holding the lien on the abandoned vessel shall be authorized to sell such vessel at public sale~~, as defined by Code Section 11-1-201~~."

PART IIID
REPEAL OF ARTICLE 6 RELATING TO BULK TRANSFERS
SECTION 3D-1.

Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, is amended by repealing Article 6, relating to bulk transfers, and designating said article as reserved.

SECTION 3D-2.

Said title is further amended by revising Code Section 11-9-111, relating to applicability of bulk transfer laws, as follows:

"~~11-9-111. **Applicability of bulk transfer laws.**~~

~~The creation of a security interest is not a bulk transfer under Article 6 of this title (see Code Section 11-6-103).~~"

PART IVA
UNIFORM VOIDABLE TRANSACTIONS ACT
SECTION 4A-1.

Chapter 2 of Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor relations, is amended by revising Article 4, relating to the "Uniform Fraudulent Transfers Act," as follows:

"ARTICLE 4

18-2-70.

This article, which was formerly known and cited as the 'Uniform Fraudulent Transfers Act,' shall be known and may be cited as the 'Uniform ~~Fraudulent Transfers~~ Voidable Transactions Act.'

18-2-71.

As used in this article, the term:

(1) 'Affiliate' means:

(A) A person who directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) As a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) Solely to secure a debt, if the person has not exercised the power to vote;

(B) A corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the debtor or a person who directly or indirectly owns, controls, or holds with power to vote 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) As a fiduciary or agent without sole power to vote the securities; or

(ii) Solely to secure a debt, if the person has not in fact exercised the power to vote;

(C) A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

(D) A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) 'Asset' means property of a debtor, but the term does not include:

(A) Property to the extent it is encumbered by a valid lien;

(B) Property to the extent it is generally exempt under nonbankruptcy law; or

(C) An interest in property held in tenancy by the entireties to the extent it is not subject to process by a creditor holding a claim against only one tenant.

(3) 'Claim,' except for claim for relief, means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) 'Creditor' means a person who has a claim, regardless of when the person acquired the claim, together with any successors or assigns.

(5) 'Debt' means liability on a claim.

(6) 'Debtor' means a person who is liable on a claim.

(7) 'Electronic' means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

~~(7)~~(8) 'Insider' includes:

(A) If the debtor is an individual:

(i) A relative of the debtor or of a general partner of the debtor;

(ii) A partnership in which the debtor is a general partner;

(iii) A general partner in a partnership described in division (ii) of this subparagraph; or

(iv) A corporation of which the debtor is a director, officer, or person in control;

(B) If the debtor is a corporation:

(i) A director of the debtor;

(ii) An officer of the debtor;

(iii) A person in control of the debtor;

(iv) A partnership in which the debtor is a general partner;

(v) A general partner in a partnership described in division (iv) of this subparagraph; or

(vi) A relative of a general partner, director, officer, or person in control of the debtor;

(C) If the debtor is a partnership:

(i) A general partner in the debtor;

(ii) A relative of a general partner in, or a general partner of, or a person in control of the debtor;

(iii) Another partnership in which the debtor is a general partner;

(iv) A general partner in a partnership described in division (iii) of this subparagraph; or

(v) A person in control of the debtor;

(D) An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and

(E) A managing agent of the debtor.

~~(8)~~(9) 'Lien' means a charge against or an interest in property to secure payment of a debt or performance of an obligation and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(10) 'Organization' means a person other than an individual.

~~(9)~~(11) 'Person' means an individual, ~~partnership,~~ public corporation, ~~association, organization,~~ government or governmental subdivision ~~or~~ agency or instrumentality, business ~~trust~~ or nonprofit entity, estate, ~~trust,~~ or ~~any~~ other legal ~~or commercial~~ entity.

~~(10)~~(12) 'Property' means anything that may be the subject of ownership.

(13) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(11)~~(14) 'Relative' means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined and includes an individual in an adoptive relationship within the third degree.

(15) 'Sign' means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound, or process.

~~(12)~~(16) 'Transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset and includes payment of money, release, lease, and creation of a lien or other encumbrance.

~~(13)~~(17) 'Valid lien' means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

18-2-72.

(a) A debtor is insolvent if, at a fair valuation, the sum of the debtor's debts is greater than ~~all of~~ the sum of the debtor's assets~~, at a fair valuation~~.

(b) A debtor who is generally not paying his or her debts as they become due other than as a result of a bona fide dispute is presumed to be insolvent. The presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence.

~~(c) A partnership is insolvent under subsection (a) of this Code section if the sum of the partnership's debts is greater than the aggregate of all of the partnership's assets, at a fair valuation, and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.~~

~~(d)~~(c) Assets under this Code section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this article.

~~(e)~~(d) Debts under this Code section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

18-2-73.

(a) Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

(b) For the purposes of paragraph (2) of subsection (a) of Code Section 18-2-74 and Code Section 18-2-75, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

18-2-74.

(a) A transfer made or obligation incurred by a debtor is ~~fraudulent~~ voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(A) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(B) Intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

(b) In determining actual intent under paragraph (1) of subsection (a) of this Code section, consideration may be given, among other factors, to whether:

(1) The transfer or obligation was to an insider;

(2) The debtor retained possession or control of the property transferred after the transfer;

(3) The transfer or obligation was disclosed or concealed;

(4) Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;

(5) The transfer was of substantially all the debtor's assets;

(6) The debtor absconded;

(7) The debtor removed or concealed assets;

(8) The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;

(9) The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;

(10) The transfer occurred shortly before or shortly after a substantial debt was incurred; and

(11) The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

(c) If a creditor is a successor or assignee, a right of action under subsection (a) of this Code section is automatically assigned to such successor or assignee.

(d) A creditor making a claim for relief under subsection (a) of this Code section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

18-2-75.

(a) A transfer made or obligation incurred by a debtor is ~~fraudulent~~ voidable as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(b) A transfer made by a debtor is ~~fraudulent~~ voidable as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

(c) If a creditor is a successor or assignee, a right of action under subsection (a) or (b) of this Code section is automatically assigned to such successor or assignee.
(d) Subject to subsection (b) of Code Section 18-2-72, a creditor making a claim for relief under subsection (a) or (b) of this Code section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

18-2-76.
For the purposes of this article:
(1) A transfer is made:
(A) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and
(B) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this article that is superior to the interest of the transferee;
(2) If applicable law permits the transfer to be perfected as provided in paragraph (1) of this Code section and the transfer is not so perfected before the commencement of an action for relief under this article, the transfer is deemed made immediately before the commencement of the action;
(3) If applicable law does not permit the transfer to be perfected as provided in paragraph (1) of this Code section, the transfer is made when it becomes effective between the debtor and the transferee;
(4) A transfer is not made until the debtor has acquired rights in the asset transferred; and
(5) An obligation is incurred:
(A) If oral, when it becomes effective between the parties; or
(B) If evidenced by a ~~writing~~ record, when the ~~writing executed~~ record signed by the obligor is delivered to or for the benefit of the obligee.

18-2-77.
(a) In an action for relief against a transfer or obligation under this article, a creditor, subject to the limitations in Code Section 18-2-78, may obtain:
(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;
(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by Chapter 3 of this title; and
(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(A) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(B) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(C) Any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

18-2-78.

(a) A transfer or obligation is not voidable under paragraph (1) of subsection (a) of Code Section 18-2-74 against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(b) To the extent a transfer is avoidable in an action by a creditor under paragraph (1) of subsection (a) of Code Section 18-2-77, the following rules apply:

(1) Except as otherwise provided in this Code section, ~~to the extent a transfer is voidable in an action by a creditor under paragraph (1) of subsection (a) of Code Section 18-2-77,~~ the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this Code section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

~~(1)~~(A) The first transferee of the asset or the person for whose benefit the transfer was made; or

~~(2) Any subsequent transferee other than a~~

(B) An immediate or mediate transferee of the first transferee, other than:

(i) A good faith transferee ~~or obligee~~ who took for value; or ~~from any subsequent transferee or obligee~~

(ii) An immediate or mediate good faith transferee of a person described in division (i) of this subparagraph.

(2) Recovery pursuant to paragraph (1) of subsection (a) or subsection (b) of Code Section 18-2-77 of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in paragraph (1) of this subsection.

(c) If the judgment under subsection (b) of this Code section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer or an obligation under this article, a good faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

(1) A lien on or a right to retain any interest in the asset transferred;

(2) Enforcement of any obligation incurred; or

(3) A reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under paragraph (2) of subsection (a) of Code Section 18-2-74 or Code Section 18-2-75 if the transfer results from:

(1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(2) Enforcement of a security interest in compliance with Article 9 of the Uniform Commercial Code, other than acceptance of collateral in full or partial satisfaction of the obligation it secures.

(f) A transfer is not voidable under subsection (b) of Code Section 18-2-75:

(1) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;

(2) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

(3) If made pursuant to a good faith effort to rehabilitate the debtor and the transfer secured the present value given for that purpose as well as an antecedent debt of the debtor.

(g) The following rules determine the burden of proving matters referred to in this Code section:

(1) A party that seeks to invoke subsection (a), (d), (e), or (f) of this Code section has the burden of proving the applicability of that subsection;

(2) Except as otherwise provided in paragraphs (3) and (4) of this subsection, the creditor has the burden of proving each applicable element of subsection (b) or (c) of this Code section;

(3) The transferee has the burden of proving the applicability to the transferee of subparagraph (b)(1)(B) of this Code section; and

(4) A party that seeks adjustment under subsection (c) of this Code section has the burden of proving the adjustment.

(h) The standard of proof required to establish matters referred to in this Code section is preponderance of the evidence.

18-2-79.

A cause of action with respect to a fraudulent transfer or obligation under this article is extinguished unless action is brought:

(1) Under paragraph (1) of subsection (a) of Code Section 18-2-74, within four years after the transfer was made or the obligation was incurred or, if later, within one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) Under paragraph (2) of subsection (a) of Code Section 18-2-74 or subsection (a) of Code Section 18-2-75, within four years after the transfer was made or the obligation was incurred; or

(3) Under subsection (b) of Code Section 18-2-75, within one year after the transfer was made or the obligation was incurred.

18-2-80.

(a) In this Code section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence;

(2) A debtor that is an organization and has only one place of business is located at its place of business; and

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(b) A cause of action in the nature of a claim for relief under this article is governed by the law of the jurisdiction in which the debtor is located when the transfer is made or the obligation is incurred.

18-2-81.

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

(1) 'Protected series' means an arrangement, however denominated, created by a series organization that, pursuant to the law under which the series organization is organized, has the characteristics set forth in paragraph (2) of this subsection.

(2) 'Series organization' means an organization that, pursuant to the law under which it is organized, has the following characteristics:

(A) The organic record of the organization provides for creation by the organization of one or more protected series, however denominated, with respect to specified property of the organization, and for records to be maintained for each protected series that identify the property of or associated with the protected series;

(B) Debt incurred or existing with respect to the activities of, or property of or associated with, a particular protected series is enforceable against the property of or associated with the protected series only, and not against the property of or associated with the organization or other protected series of the organization; or

(C) Debt incurred or existing with respect to the activities or property of the organization is enforceable against the property of the organization only, and not against the property of or associated with a protected series of the organization.

(b) A series organization and each protected series of the organization is a separate person for purposes of this article, even if for other purposes a protected series is not a person separate from the organization or other protected series of the organization.

~~18-2-80.~~ 18-2-82.

~~(a)~~ Unless displaced by the provisions of this article, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

~~(b) The provisions of this article do not create a cause of action for a governmental entity or its agent or assignee with respect to a transaction which may otherwise constitute a fraudulent transfer or obligation under this article if the transaction complies with the applicable state and federal laws concerning transfers of property in the determination of eligibility for public benefits.~~

18-2-83.
This article shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this article among states enacting the 'Uniform Voidable Transactions Act.'

18-2-84.
This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but shall not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

~~18-2-81.~~ 18-2-85.
(a) As used in this Code section, the term:
(1) 'Charitable organization' means an organization which has qualified as tax-exempt under Section 501(c)(3) of the federal Internal Revenue Code of 1986 and has been so qualified for not less than two years preceding any transfer pursuant to this Code section, other than a private foundation or family trust.
(2) 'Private foundation' shall have the same meaning as set forth in 26 U.S.C. Section 509(a).
(b) A transfer made to a charitable organization shall be considered ~~complete unless~~ voidable only if it is established that a ~~fraudulent~~ voidable transfer has occurred as described in Code Section 18-2-74 or 18-2-75, and such charitable organization had actual or constructive knowledge of the ~~fraudulent~~ voidable nature of the transfer.
(c) The statute of limitations for a civil action with respect to a voidable transfer to a charitable organization under this Code section shall be within two years after such transfer was made."

PART IVB
CONFORMING CROSS-REFERENCES TO
THE UNIFORM VOIDABLE TRANSACTIONS ACT
SECTION 4B-1.

Article 3 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations on recovery for deficiencies connected with improvements to realty and resulting injuries, is amended by revising Code Section 9-3-35, relating to actions by creditors seeking relief under Uniform Fraudulent Transfers Act, as follows:
"9-3-35.
An action by a creditor seeking relief under the provisions of Article 4 of Chapter 2 of Title 18, known as the 'Uniform ~~Fraudulent Transfers~~ Voidable Transactions Act,' shall be brought within the applicable period set out in Code Section 18-2-79."

SECTION 4B-2.

Code Section 17-14-17 of the Official Code of Georgia Annotated, relating to fraudulent transfers, is amended by revising subsection (a) as follows:

"(a) The state or the victim of a crime may institute an action against an offender pursuant to Article 4 of Chapter 2 of Title 18, the 'Uniform ~~Fraudulent Transfers~~ Voidable Transactions Act,' to set aside a transfer of real, personal, or other property made voluntarily by the offender on or after the date of the crime committed by the offender against the victim with the intent to:

(1) Conceal the crime or the fruits of the crime;

(2) Hinder, delay, or defraud any victim; or

(3) Avoid the payment of restitution."

PART V
UNIFORM ENFORCEMENT
OF FOREIGN JUDGMENTS LAW
SECTION 5-1.

Article 6 of Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to the "Uniform Enforcement of Foreign Judgments Law," is amended by adding a new subsection to Code Section 9-12-133, relating to the affidavit concerning judgment creditor and debtor and notice to the judgment debtor of filing of judgment, as follows:

"(c) The provisions of Code Section 9-11-4 shall not apply to this article."

PART VI
BANKRUPTCY EXEMPTION
SECTION 6-1.

Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to exemptions for the purposes of bankruptcy and intestate insolvent estates, is amended by revising paragraph (6) of subsection (a) as follows:

"(6) The debtor's aggregate interest, not to exceed ~~$600.00~~ $1,200.00 in value plus any unused amount of the exemption, not to exceed ~~$5,000.00~~ $10,000.00, provided under paragraph (1) of this subsection, in any property;"

PART VII
EFFECTIVE DATE;
APPLICABILITY; AND REPEALER
SECTION 7-1.

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

(b) Part 2 of this Act shall apply to all actions filed on or after July 1, 2015, in which the recognition of a foreign-country judgment is raised.

(c) Parts 3A, 3B, and 3C of this Act shall become effective on January 1, 2016.
(d) The amendments made by Parts 4A and 4B of this Act shall:
(1) Apply to a transfer made or obligation incurred on or after July 1, 2015;
(2) Not apply to a transfer made or obligation incurred before July 1, 2015;
(3) Not apply to a right of action that has accrued before July 1, 2015; and
(4) For purposes of this subsection, a transfer is made and an obligation is incurred at the time provided in Code Section 18-7-76.

SECTION 7-2.
All laws and parts of laws in conflict with this Act are repealed.

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

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y 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	Y Howard	Y Peake	N Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	N Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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	E Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	N Rhodes	Y Welch
N Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	N Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y 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
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Williamson

Y Coleman	Y Greene	N McCall	Y Shaw	Y Yates
Y Cooke	E Hamilton	Y McClain	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 155, nays 14.

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

SB 111. By Senators Stone of the 23rd, Jeffares of the 17th, Jones of the 25th, Hufstetler of the 52nd, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 45 of Title 33 of the Official Code of Georgia Annotated, relating to continuing care providers and facilities, so as to define certain terms; to provide for a provider to offer continuing care at home; 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 45 of Title 33 of the Official Code of Georgia Annotated, relating to continuing care providers and facilities, so as to define certain terms; to provide for a provider to offer continuing care at home; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"33-45-1.

As used in this chapter, the term:

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

(A) Lodging that is not:

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

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

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

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

(B) Food; and

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

Such term shall not include continuing care at home.

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

(2.1) 'Continuing care at home' means the furnishing of services pursuant to a continuing care agreement at a location other than at a facility and which includes the obligation to provide nursing care, assisted living care, or personal care home services. A continuing care at home agreement may, but is not required to, include an obligation to provide food.

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

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

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

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

(A) Lodging that is not:

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

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

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

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

(B) Food; and

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

Such term shall not include continuing care at home.

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

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

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

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

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

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

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

intermediate care facility as defined in paragraph (22) of Code Section 31-6-2, an assisted living community as defined in Code Section 31-7-12.2, or a personal care home as defined in Code Section 31-7-12."

SECTION 2.

Said chapter is further amended in Code Section 33-45-3, relating to certificate of authority required for operation of continuing care facilities, by adding two new subsections to read as follows:

"(c) Nothing in this chapter shall be construed so as to allow private home care services to be provided by any person or entity other than a licensed private home care provider.

(d) A provider of continuing care at home may contract with a licensed home health agency to provide home health services to a resident. In order to provide home health services directly, a provider of continuing care at home shall obtain a certificate of need for a home health agency, as such term is defined in paragraph (20) of Code Section 31-6-2, pursuant to the same criteria and rules as are applicable to freestanding home health agencies that are not components of continuing care retirement communities."

SECTION 3.

Said chapter is further amended by revising Code Section 33-45-7.1, relating to provider authorized to offer continuing care when resident purchases resident owned living unit, as follows:

"33-45-7.1.

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

SECTION 4.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 165, nays 3.

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

SB 95. By Senators Williams of the 27th, Martin of the 9th, Gooch of the 51st, Albers of the 56th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to real estate brokers and salespersons, so as to provide for the acceptance of funds in a separate, federally insured account at a financial institution by such persons; to provide for unfair trade practices by real estate brokers and salespersons; 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 Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
Y Beasley-Teague
Y Bell
Y Belton
Y Bennett
Y Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
E Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
E Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
E Geisinger
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
E Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
E Marin
Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
E Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

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

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

The Speaker Pro Tem assumed the Chair.

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

HB 206. By Representatives Harrell of the 106th, Lumsden of the 12th, Hitchens of the 161st, Rutledge of the 109th and Holcomb of the 81st:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to provide for procedure for passing sanitation vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to provide for procedure for passing sanitation vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, is amended by adding a new Code section to read as follows:

"40-6-16.1.

(a) As used in this Code section, the term 'sanitation worker' means an individual engaged in the collection and transport of residential or commercial solid waste and recyclables as authorized by a county or municipal governing authority.

(b) The operator of a motor vehicle approaching a vehicle with active sanitation workers that is displaying flashing yellow, amber, white, or red lights shall approach the vehicle with due caution and shall, absent any other direction by a peace officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the vehicle if possible in the existing safety and traffic conditions; or

(2) If a lane change under paragraph (1) of this subsection would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be at least ten miles per hour less than the posted speed limit or 25 miles per hour, whichever is more, and be prepared to stop.

(c) Violation of subsection (b) of this Code section shall be punished by a fine of not more than $250.00."

SECTION 2.

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

Representative Harrell of the 106th moved that the House agree to the Senate substitute to HB 206.

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

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

On the motion, the ayes were 163, nays 1.

The motion prevailed.

HB 341. By Representatives Maxwell of the 17th, Taylor of the 79th, Gravley of the 67th and Frye of the 118th:

A BILL to be entitled an Act to amend Code Section 8-2-26.1 of the Official Code of Georgia Annotated, relating to definitions and requirements

regarding state building, plumbing, and electrical codes, so as to provide that certain qualified inspectors may be certified by the Building Officials' Association of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 8-2-26.1 of the Official Code of Georgia Annotated, relating to definitions and requirements regarding state building, plumbing, and electrical codes, so as to provide that certain qualified inspectors may be certified by the Building Officials Association of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 8-2-26.1 of the Official Code of Georgia Annotated, relating to definitions and requirements regarding state building, plumbing, and electrical codes, is amended by revising paragraph (2) of subsection (a) as follows:

"(2) 'Qualified inspector' means:

(A) A person inspecting for compliance with the International Building Code or the building portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a building inspector;

(B) A person inspecting for the compliance of residential buildings with the National Electrical Code or the electrical portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a residential electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;

(C) A person inspecting for the compliance of nonresidential buildings with the National Electrical Code who holds a certification from the ICC as a commercial electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;

(D) A person inspecting for compliance with the International Fuel Gas Code who holds a certification from the ICC as a mechanical inspector or plumbing inspector or a conditioned air contractor, journeyman plumber, or master plumber license from the State Construction Industry Licensing Board;

(E) A person inspecting for compliance with the International Mechanical Code or the mechanical portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a mechanical inspector

or a conditioned air contractor license from the State Construction Industry Licensing Board;

(F) A person inspecting for compliance with the International Plumbing Code or the plumbing portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a plumbing inspector or a journeyman plumber or master plumber license from the State Construction Industry Licensing Board;

(G) A person inspecting for compliance with any portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a one and two-family dwelling inspector;

(H) A person inspecting for compliance with the International Energy Conservation Code for Buildings who has completed eight hours of training that is conducted or approved by the department; or

(I) A person inspecting for compliance with any of the codes listed in subparagraphs (A) through (H) of this paragraph who holds:

(i) A ~~a~~ certificate of registration as a professional engineer issued under Chapter 15 of Title 43 and is practicing within the scope of his or her branch of engineering expertise while conducting such inspection;

(ii) A level II, III, IV, or V certification from the Building Officials Association of Georgia, provided that such levels of certification require work experience and an examination by the ICC or a testing agency approved by the Building Officials Association of Georgia; or

(iii) A level II, III, IV, or V certification from the Building Officials Association of Georgia on the effective date of this Code section."

SECTION 2.

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

Representative Maxwell of the 17th moved that the House agree to the Senate substitute to HB 341.

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

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

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

On the motion, the ayes were 168, nays 0.

The motion prevailed.

SB 138. By Senators Miller of the 49th, Dugan of the 30th, Hill of the 32nd, Kennedy of the 18th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Title 49 of the Official Code of Georgia Annotated, relating to social service; to repeal a provision relating to the Council for Welfare Administration; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend the House Judiciary Committee substitute to SB 138 (LC 29 6651S) by deleting lines 721 through 728 and inserting in lieu thereof the following:*
(2) Shall mail to such alleged child abuser in such report a notice regarding the substantiated case via certified mail, return receipt requested. It shall be a rebuttable presumption that any such notice has been received if the return receipt has been received by the division. The notice shall further inform such alleged child abuser of such person's right to a hearing to appeal such determination. The notice shall further inform such alleged child abuser of the procedures for obtaining the hearing and that an opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved.

Representative Coomer of the 14th moved that the House agree to the Senate amendment to the House substitute to SB 138.

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

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

On the motion the ayes were 169, nays 0.

The motion prevailed.

HB 85. By Representatives Harrell of the 106th, Kidd of the 145th and Epps of the 144th:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts relative to the

regulation of alcoholic beverages, so as to change certain provisions relating to the sale or furnishing of alcoholic beverages to patients or inmates of Central State Hospital and to the sale or possession of alcoholic beverages near or upon the grounds of such hospital; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to a*mend HB 85 (HB 85/FA) by inserting after* "authority;" *on line 6 the following:*
to change a definition;

By deleting lines 29 and 30 and inserting in lieu thereof the following:
term 'grocery store' means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent ~~of its total retail floor space~~ is reserved for the sale of food and other nonalcoholic items,

Representative Harrell of the 106th moved that the House agree to the Senate amendment to HB 85.

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

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

Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	N Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	N Mabra	N Rutledge	Y Willard
Cheokas	N Glanton	E Marin	Y Rynders	Y Williams, A
Clark, D	Y Golick	N Martin	N Scott	N Williams, C
N Clark, H	N Gordon	Y Maxwell	Y Setzler	Williams, E
Y Clark, V	N Gravley	N Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	N Yates
Y Cooke	Y Hamilton	Y McClain	E Sims	Ralston, Speaker

On the motion, the ayes were 96, nays 65.

The motion prevailed.

HB 17. By Representatives Spencer of the 180th, Oliver of the 82nd, Rakestraw of the 19th, Morris of the 156th and Kaiser of the 59th:

A BILL to be entitled an Act to amend Chapter 3 of Title 9 and Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to limitations of actions and child abuse and deprivation records, respectively, so as to extend the statute of limitations for actions for childhood sexual abuse; to provide for a short title; to provide for limitations of liability for certain legal entities; to change provisions relating to tolling of limitations for a minor's cause of action; to change provisions relating to the tolling of limitations for tort actions while criminal prosecution is pending; to change provisions relating to the confidentiality and use of certain records; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 9 and Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to limitations of actions and child abuse and deprivation records, respectively, so as to extend the statute of limitations for actions for childhood sexual abuse under certain circumstances; to provide for retroactive claims for childhood sexual abuse under certain circumstances; to provide for limitations of liability for certain legal entities; to change provisions relating to tolling of limitations for a minor's cause of action; to change provisions relating to the tolling of limitations for tort actions while criminal prosecution is pending; to change provisions relating to the confidentiality and use of certain records; to provide for a short title; 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.

This Act shall be known and may be cited as the "Hidden Predator Act."

SECTION 2.

Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of actions, is amended by revising Code Section 9-3-33.1, relating to limitations for actions for childhood sexual abuse, as follows:

"9-3-33.1.

(a)(1) As used in this ~~Code section~~ subsection, the term 'childhood sexual abuse' means any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under ~~the age of~~ 18 years of age and which act would ~~have been proscribed by Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to sodomy and aggravated sodomy; Code Section 16-6-3, relating to statutory rape; Code Section 16-6-4, relating to child molestation and aggravated child molestation; Code Section 16-6-5, relating to enticing a child for indecent purposes; Code Section 16-6-12, relating to pandering; Code Section 16-6-14, relating to pandering by compulsion; Code Section 16-6-15, relating to solicitation of sodomy; Code Section 16-6-22, relating to incest; Code Section 16-6-22.1, relating to sexual battery; or Code Section 16-6-22.2, relating to aggravated sexual battery, or any prior laws of this state of similar effect which were in effect at the time the act was committed~~ be in violation of:

(A) Rape, as prohibited in Code Section 16-6-1;

(B) Sodomy or aggravated sodomy, as prohibited in Code Section 16-6-2;

(C) Statutory rape, as prohibited in Code Section 16-6-3;

(D) Child molestation or aggravated child molestation, as prohibited in Code Section 16-6-4;

(E) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5;

(F) Pandering, as prohibited in Code Section 16-6-12;

(G) Pandering by compulsion, as prohibited in Code Section 16-6-14;

(H) Solicitation of sodomy, as prohibited in Code Section 16-6-15;

(I) Incest, as prohibited in Code Section 16-6-22;

(J) Sexual battery, as prohibited in Code Section 16-6-22.1; or

(K) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.

~~(b)~~(2) Notwithstanding Code Section 9-3-33 and except as provided in subsection (d) of this Code section, any ~~Any~~ civil action for recovery of damages suffered as a result of childhood sexual abuse committed before July 1, 2015, shall be commenced ~~within five years of~~ on or before the date the plaintiff attains the age of ~~majority~~ 23 years.

(b)(1) As used in this subsection, the term 'childhood sexual abuse' means any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under 18 years of age and which act would be in violation of:

(A) Trafficking a person for sexual servitude, as prohibited in Code Section 16-5-46;
(B) Rape, as prohibited in Code Section 16-6-1;
(C) Statutory rape, as prohibited in Code Section 16-6-3, if the defendant was 21 years of age or older at the time of the act;
(D) Aggravated sodomy, as prohibited in Code Section 16-6-2;
(E) Child molestation or aggravated child molestation, as prohibited in Code Section 16-6-4, unless the violation would be subject to punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of subsection (d) of Code Section 16-6-4;
(F) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5, unless the violation would be subject to punishment as provided in subsection (c) of Code Section 16-6-5;
(G) Incest, as prohibited in Code Section 16-6-22;
(H) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2; or
(I) Part 2 of Article 3 of Chapter 12 of Title 16.
(2)(A) Notwithstanding Code Section 9-3-33, any civil action for recovery of damages suffered as a result of childhood sexual abuse committed on or after July 1, 2015, shall be commenced:
(i) On or before the date the plaintiff attains the age of 23 years; or
(ii) Within two years from the date that the plaintiff knew or had reason to know of such abuse and that such abuse resulted in injury to the plaintiff as established by competent medical or psychological evidence.
(B) When a plaintiff's civil action is filed after the plaintiff attains the age of 23 years but within two years from the date that the plaintiff knew or had reason to know of such abuse and that such abuse resulted in injury to the plaintiff, the court shall determine from admissible evidence in a pretrial finding when the discovery of the alleged childhood sexual abuse occurred. The pretrial finding required under this subparagraph shall be made within six months of the filing of the civil action.
(c)(1) As used in this subsection, the term:
(A) 'Entity' means an institution, agency, firm, business, corporation, or other public or private legal entity.
(B) 'Person' means the individual alleged to have committed the act of childhood sexual abuse.
(2) If a civil action for recovery of damages suffered as a result of childhood sexual abuse is commenced pursuant to division (b)(2)(A)(i) of this Code section and if the person was a volunteer or employee of an entity that owed a duty of care to the plaintiff, or the person and the plaintiff were engaged in some activity over which such entity had control, damages against such entity shall be awarded under this Code section only if by a preponderance of the evidence there is a finding of negligence on the part of such entity.
(3) If a civil action for recovery of damages suffered as a result of childhood sexual abuse is commenced pursuant to division (b)(2)(A)(ii) of this Code section and if the

person was a volunteer or employee of an entity that owed a duty of care to the plaintiff, or the person and the plaintiff were engaged in some activity over which such entity had control, damages against such entity shall be awarded under this Code section only if by a preponderance of the evidence there is a finding that there was gross negligence on the part of such entity, that the entity knew or should have known of the alleged conduct giving rise to the civil action and such entity failed to take remedial action.

(d)(1) For a period of two years following July 1, 2015, plaintiffs of any age who were time barred from filing a civil action for injuries resulting from childhood sexual abuse due to the expiration of the statute of limitations in effect on June 30, 2015, shall be permitted to file such actions against the individual alleged to have committed such abuse before July 1, 2017, thereby reviving those civil actions which had lapsed or technically expired under the law in effect on June 30, 2015.

(2) The revival of a claim as provided in paragraph (1) of this subsection shall not apply to:

(A) Any claim that has been litigated to finality on the merits in a court of competent jurisdiction prior to July 1, 2015. Termination of a prior civil action on the basis of the expiration of the statute of limitations shall not constitute a claim that has been litigated to finality on the merits;

(B) Any written settlement agreement which has been entered into between a plaintiff and a defendant when the plaintiff was represented by an attorney who was admitted to practice law in this state at the time of the settlement, and the plaintiff signed such agreement; and

(C) Any claim against an entity, as such term is defined in subsection (c) of this Code section.

(3) This subsection shall be repealed effective July 1, 2017."

SECTION 3.

Said chapter is further amended by revising Code Section 9-3-90, relating to persons under disability or imprisoned when cause of actions accrues, as follows:

"9-3-90.

(a) Individuals ~~Minors and persons~~ who are legally incompetent because of mental retardation or mental illness, who are such when the cause of action accrues, shall be entitled to the same time after their disability is removed to bring an action as is prescribed for other persons.

(b) Except as otherwise provided in Code Section 9-3-33.1, individuals who are less than 18 years of age when a cause of action accrues shall be entitled to the same time after he or she reaches the age of 18 years to bring an action as is prescribed for other persons.

~~(b)~~(c) No action accruing to ~~a person~~ an individual imprisoned at the time of its accrual which~~, prior~~:

(1) Prior to July 1, 1984, has been barred by the provisions of this chapter ~~relating to limitations of actions~~ shall be revived by this chapter, as amended~~. No action accruing to a person imprisoned at the time of its accrual which would~~; or

(2) Would be barred before July 1, 1984, by the provisions of this chapter, as amended, but which would not be so barred by the provisions of this chapter in force immediately prior to July 1, 1984, shall be barred until July 1, 1985."

SECTION 4.

Said chapter is further amended by revising Code Section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending, as follows:

"9-3-99.

The running of the period of limitations with respect to any cause of action in tort that may be brought by the victim of an alleged crime which arises out of the facts and circumstances relating to the commission of such alleged crime committed in this state shall be tolled from the date of the commission of the alleged crime or the act giving rise to such action in tort until the prosecution of such crime or act has become final or otherwise terminated, provided that such time does not exceed six years, except as otherwise provided in Code Section 9-3-33.1."

SECTION 5.

Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child abuse and deprivation records, is amended in Code Section 49-5-41, relating to persons and agencies permitted access to records, by adding a new subsection to read as follows:

"(f) Notwithstanding Code Section 49-5-40, a child who alleges that he or she was abused shall be permitted access to records concerning a report of child abuse allegedly committed against him or her which are in the custody of the department or other state or local agency when he or she reaches 18 years of age; provided, however, that prior to such child reaching 18 years of age, if the requestor is not the subject of such report, such reports shall be made available to such child's parent or legal guardian or a deceased child's duly appointed representative when the requestor or his or her attorney submits a sworn affidavit that attests that such information is relevant to a pending or proposed civil action; and provided, further, that such reports shall still be subject to confidentiality pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72."

SECTION 6.

Said article is further amended by revising subsection (c) of Code Section 49-5-44, relating to penalties for unauthorized access to records and use of records in public and criminal proceedings, as follows:

"(c) Records made confidential by Code Section 49-5-40 and information obtained from such records ~~may~~ shall not be made a part of any record which is open to the public except that:

(1) A ~~a~~ district attorney may use and make public that record or information in the course of any criminal prosecution for any offense which constitutes or results from child abuse; and

(2) The parties in a civil action may use and make public that record or information in the course of a civil action for childhood sexual abuse, as such term is defined in Code Section 9-3-33.1."

SECTION 7.

This Act shall become effective on July 1, 2015.

SECTION 8.

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

Representative Nimmer of the 178th moved that the House agree to the Senate substitute to HB 17.

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

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

On the motion, the ayes were 162, nays 0.

The motion prevailed.

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.

The following Senate substitute was read:

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, is amended by revising Code Section 48-5-504.40, relating to watercraft held in inventory for resale exempt from taxation for limited period of time, as follows:

"48-5-504.40.

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

(1) 'Dealer' means any person who is engaged in the business of selling watercraft at retail.

(2) 'Watercraft' means any vehicle which is self-propelled or which is capable of self-propelled water transportation, or both.

(b) Watercraft ~~which is~~ owned by a dealer and held in inventory for sale or resale shall constitute a separate classification of tangible property for ad valorem taxation purposes. The procedures prescribed in this chapter for returning watercraft for ad valorem taxation, determining the application rates for taxation, and collecting the ad valorem taxes imposed on watercraft do not apply to watercraft ~~which is~~ owned by a dealer and held in inventory for sale or resale. For the period commencing January 1, ~~2009~~ 2016, and concluding December 31, ~~2013~~ 2019, such watercraft ~~which is~~ owned by a dealer and held in inventory for sale or resale shall not be returned for ad valorem taxation~~,~~ and shall not be taxed, and no taxes shall be collected on such watercraft until it is transferred and then otherwise, if at all, becomes subject to taxation as provided in this chapter."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all tax years beginning on and after January 1, 2016, and ending on December 31, 2019.

SECTION 3.

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

Representative Hawkins of the 27th moved that the House agree to the Senate substitute to HB 457.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y 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	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	E Pezold	Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
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 Efstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	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	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E 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	E Sims	Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

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.

The following Senate substitute was read:

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 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 amend Chapter 10 of Title 10 of the Official Code of Georgia Annotated, relating to seed-capital funds, so as to establish the Invest Georgia Tax Credit; to provide a short title, to provide definitions; to authorized the board to sell

tax credits; to set limits for sell of tax credits; to provide for certain allocations of tax credits; to provide for reporting of present value; to provide for an effective date and applicability; 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 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by adding a new Code section to read as follows:

"33-1-24.

(a) This Code section shall be known and may be cited as the 'Georgia New Markets Jobs Act.'

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

(1) 'Affiliate' means an entity that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with the entity specified.

(2) 'Applicable percentage' means 0 percent for the first two credit allowance dates and 11 percent for the next five credit allowance dates.

(3) 'Credit allowance date' means with respect to any qualified equity investment:

(A) The date on which such investment is initially made; and

(B) Each of the six anniversary dates of such date thereafter.

(4) 'Department' means the Department of Community Affairs.

(5) 'Invest Georgia Fund' means the fund created under the provisions of Article 2 of Chapter 10 of Title 10.

(6) 'Letter ruling' means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

(7) 'Long-term debt security' means any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period beginning on the date of issuance and ending on the final credit allowance date in an amount that exceeds the cumulative operating income, as defined by regulations adopted under Section 45D of the Internal Revenue Code of 1986, as amended, of the qualified community development entity for that period prior to giving effect to the expense of such cash interest payments. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the qualified community development entity has defaulted on covenants designed to ensure compliance with this Code section or Section 45D of the Internal Revenue Code of 1986, as amended.

(8) 'Purchase price' means the amount paid to the qualified community development entity that issues the qualified equity investment for such qualified equity investment.
(9) 'Qualified active low-income community business' shall have the same meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended, and 26 C.F.R. Section 1.45D-1 but is limited to those businesses, including affiliates of such businesses, that have fewer than 250 employees and not more than $10 million in net income in the previous year at the time the qualified low-income community investment is made, provided that the employees and net income of affiliates of the business shall not be aggregated for purposes of satisfying this requirement if the affiliate business is classified under a different North American Industry Classification system code. A business shall be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the size and net income standards, throughout the entire period of the investment or loan. Such term excludes any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business: (A) does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate and (B) is the primary tenant of the real estate leased from the first business.
(10) 'Qualified community development entity' shall have the same meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended, provided that such entity has entered into, for the current year or any prior year, an allocation agreement with the Community Development Financial Institutions Fund of the United States Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the State of Georgia within the service area set forth in such allocation agreement. Such term shall include subsidiary community development entities of any such qualified community development entity.
(11) 'Qualified equity investment' means any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(A) Is acquired after the effective date of this Code section at its original issuance solely in exchange for cash;
(B) Has at least 85 percent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses located in this state by the first anniversary of the initial credit allowance date; and
(C) Is designated by the qualified community development entity as a qualified equity investment under this paragraph and is certified by the department as not exceeding the limitation contained in subsection (g) of this Code section.

Such term shall include any qualified equity investment that does not meet the provisions of subparagraph (A) of this paragraph if such investment was a qualified equity investment in the hands of a prior holder.

(12) 'Qualified low-income community investment' means any capital or equity investment in, or loan to, any qualified active low-income community business; but, with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such business, on a collective basis with all of the businesses' affiliates, with the proceeds of qualified equity investments certified pursuant to subsection (f) of this Code section is $4 million, exclusive of qualified low-income community investments made with repaid or redeemed qualified low-income community investments or interest or profits realized thereon.

(13) 'State tax liability' means any liability incurred by any entity under Code Sections 33-3-26, 33-8-4, 48-7-27, and 48-7-31, or, if the tax liability under Code Sections 33-3-26 and 33-8-4 is eliminated or reduced, the term shall also mean any tax liability imposed on an insurance company or other person that had premium tax liability under the laws of this state.

(c) Any entity that makes a qualified equity investment earns a vested right to credit against the entity's state tax liability.

(d) Any entity that makes a qualified equity investment earns a vested right to credit against the entity's state tax liability on a tax report filed under this Code section and may utilize such credit as follows:

(1) On each credit allowance date of such qualified equity investment, the entity, or subsequent holder of the qualified equity investment, shall be entitled to utilize a portion of such credit during the taxable year, including such credit allowance date;

(2) The credit amount shall be equal to the applicable percentage for such credit allowance date multiplied by the purchase price paid to the qualified community development entity; and

(3) The amount of the credit claimed by an entity shall not exceed the amount of such entity's state premium tax liability for the tax year for which the credit is claimed. Any amount of tax credit that the entity is prohibited from claiming in a taxable year as a result of this Code section may be carried forward for use in any subsequent taxable year.

(e) No tax credit claimed by an entity that makes a qualified equity investment under this Code section shall be refundable or saleable on the open market. Tax credits earned by or allocated to a partnership, limited liability company, or S-corporation may be allocated to the partners, members, or shareholders of such entity for their use in accordance with the provisions of any agreement among such partners, members, or shareholders. Such allocation shall be not considered a sale for purposes of this Code section.

(f)(1) A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment that is eligible for tax credits under this Code section shall apply to the department. The

department shall begin accepting applications on August 1, 2015. The qualified community development entity shall include the following:

(A) Evidence of the applicant's certification as a qualified community development entity, including evidence of the service area of the entity that includes this state;

(B) A copy of an allocation agreement executed by the applicant, or its controlling entity, and the Community Development Financial Institutions Fund;

(C) A certificate executed by an executive officer of the applicant: (i) attesting that the allocation agreement remains in effect and has not been revoked or cancelled by the Community Development Financial Institutions Fund and (ii) stating the cumulative amount of allocations awarded to the applicant by the Community Development Financial Institutions Fund and by other state or states under their New Markets programs;

(D) A description of the proposed amount, structure, and purchaser of the qualified equity investment;

(E) Examples of the types of qualified active low-income businesses in which the applicant, its controlling entity, or affiliates of its controlling entity have invested under the federal New Markets Tax Credit Program. Applicants are not required to identify qualified active low-income community businesses in which they will invest when submitting an application;

(F) A nonrefundable application fee of $5,000.00. This fee shall be paid to the department and shall be required of each application submitted;

(G) The refundable performance fee required by paragraph (1) of subsection (j) of this Code section; and

(H) The amount of qualified equity investment authority the applicant agrees to designate as a federal qualified equity investment under Section 45D, Internal Revenue Code, including a copy of the screen from the Community Development Financial Institutions Funds' Allocation Tracking System of the applicant's remaining federal qualified equity investment authority or a copy of the Notice of Allocation setting forth the amount of federal qualified equity investment authority from the Community Development Financial Institution Fund in the event the allocation agreement governing such allocation has not been finalized.

(2) A qualified community development entity, on an aggregate basis with all of its subsidiary qualified community development entities, may not apply to have equity investments or long-term debt instruments designated as qualified equity investments under this subsection in excess of the total amount of allocations awarded to such applicant and its subsidiary qualified community development entities by the Community Development Financial Institutions Fund under Section 45D of the Internal Revenue Code of 1986, as amended, and by any other state or states under their New Markets programs.

(3) Within 30 days after receipt of a completed application containing the information set forth in paragraph (1) of this subsection, including the payment of the application fee and the refundable performance fee, the department shall grant or deny the application in full or in part. If the department denies any part of the application,

it shall inform the qualified community development entity of the grounds for the denial. If the qualified community development entity provides any additional information required by the department or otherwise completes its application within 15 business days of the notice of denial, the application shall be considered completed as of the original date of submission. If the qualified community development entity fails to provide the information or complete its application within the 15 business day period, the application shall remain denied and must be resubmitted in full with a new submission date.

(4) If the application is complete, the department shall certify the proposed equity investment or long-term debt security as a qualified equity investment that is eligible for tax credits under this Code section, subject to the limitations contained in paragraph (5) of this subsection. The department shall provide written notice of the certification to the qualified community development entity. The notice shall include the names of those entities who will earn the credits which may be further allocated pursuant to subsection (e) of this Code section and their respective credit amounts. If the names of the entities that are eligible to utilize the credits change due to a transfer of a qualified equity investment authority under paragraph (6) of this subsection or an allocation pursuant to subsection (e) of this Code section, the qualified community development entity shall notify the department of such change.

(5) The department shall certify qualified equity investments in the order applications are received by the department. Applications received on the same day shall be deemed to have been received simultaneously. For applications that are complete and received on the same day, the department shall certify, consistent with remaining qualified equity investment capacity, qualified equity investments for applicants as follows:

(A) First, the department shall certify applications by applicants that agree to designate qualified equity investments as federal qualified equity investments in accordance with subparagraph (H) of paragraph (1) of this subsection in proportionate percentages based upon the ratio of the amount of qualified equity investments requested in an application to be designated as federal qualified equity investments to the total amount of qualified equity investments to be designated as federal qualified equity investments requested in all applications received on the same day.

(B) After complying with subparagraph (A) of this paragraph, the department shall certify the qualified equity investments of all other applicants, including the remaining qualified equity investment authority requested by applicants not designated as federal qualified equity investments in accordance with subparagraph (A) of this paragraph, in proportionate percentages based upon the ratio of the amount of qualified equity investments requested in the applications to the total amount of qualified equity investments requested in all applications received on the same day.

A partial certification shall not decrease the amount of the refundable performance fee required by paragraph (1) of subsection (j) of this Code section.

(6) An approved applicant may transfer all or a portion of its certified qualified equity investment authority to its controlling entity or any subsidiary qualified community development entity of the controlling entity, provided that the applicant provides the information required in the application with respect to such transferee and the applicant notifies the department of such transfer within 30 days of the transfer. The department shall acknowledge such transfer if requested by the approved applicant.

(7) Within 30 days of the applicant receiving notice of certification, the qualified community development entity or any transferee under paragraph (6) of this subsection shall issue the qualified equity investment, receive cash in the certified amount, and, if applicable, designate the required amount of qualified investment authority as a federal qualified equity investment. The qualified community development entity or transferee under paragraph (6) of this subsection must provide the department with evidence of the receipt of the cash investment within ten business days after receipt. If the qualified community development entity or any transferee under paragraph (6) of this subsection does not receive the cash investment, does not issue the qualified equity investment within 30 days following receipt of the certification notice, or, if applicable, does not designate the required amount of qualified investment authority as a federal qualified equity investment, the certification shall lapse and the entity may not issue the qualified equity investment without reapplying to the department for certification. Lapsed certifications revert back to the department and shall be reissued; first, pro rata to applicants whose qualified equity investment allocations were reduced under subparagraph (A) of paragraph (5) of this subsection; second, pro rata to other applicants whose qualified equity investment allocations were reduced under paragraph (5) of this subsection; and, thereafter, in accordance with application process.

(8) A qualified community development entity that issues qualified equity investments must notify the department of the names of the entities that are eligible to utilize tax credits pursuant to subsection (e) of this Code section.

(g) Notwithstanding anything to the contrary in this Code section, a total of $100 million in qualified equity investments shall be certified. If a pending request made pursuant to subsection (f) of this Code section cannot be fully certified due to this limit, the department shall certify the portion that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial certification.

(h)(1) The department shall recapture from the entity that claimed the credit on a return the tax credit allowed under this Code section if:

(A) Any amount of a federal tax credit available with respect to a qualified equity investment that is eligible for a credit under this Code section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended. In such case, the department's recapture shall be proportionate to the federal recapture with respect to such qualified equity investment;

(B) The qualified community development entity redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. In such case, the department's recapture shall be proportionate to the amount of the redemption or repayment with respect to such qualified equity investment;

(C) The qualified community development entity fails to invest an amount equal to 85 percent of the purchase price of the qualified equity investment in qualified low-income community investments in Georgia within 12 months of the issuance of the qualified equity investment and maintain at least 85 percent of such level of investment in qualified low-income community investments in Georgia until the last credit allowance date for the qualified equity investment. For purposes of this Code section, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid if the qualified community development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months of the receipt of such capital. Periodic amounts received as repayment of principal pursuant to regularly scheduled amortization payments on a loan that is a qualified low-income community investment shall be treated as continuously invested in a qualified low-income community investment if the amounts are reinvested in one or more qualified low-income community investments by the end of the following calendar year. A qualified community development entity shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income investment community shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance;

(D) Any distribution or debt payment in violation of paragraph (1) of subsection (m) of this Code section; or

(E) Any violation of subsection (n), (o), or (p) of this Code section.

(2) Recaptured or returned tax credits and the related qualified equity investment authority revert back to the department and shall be reissued, first, pro rata to other applicants whose qualified equity investment allocations were reduced under paragraph (5) of subsection (f) of this Code section and, thereafter, in accordance with the application process.

(i) Enforcement of each of the recapture provisions in subsection (h) of this Code section shall be subject to a six-month cure period. No recapture shall occur until the qualified community development entity shall have been given notice of noncompliance and afforded six months from the date of such notice to cure the noncompliance.

(j)(1) A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and eligible for tax credits under this subsection shall pay a fee in the amount one-half of 1 percent of the amount of the equity investment or long-term debt security requested to be designated as a qualified equity investment to the department for deposit in the New Markets Performance Guarantee Account, which is hereby established. The entity shall forfeit the fee in its entirety without the benefit of subsection (i) of this Code section if:

(A) The qualified community development entity and its subsidiary qualified community development entities fail to issue the total amount of qualified equity investments certified by the administrator and receive cash in the total amount certified under paragraph (5) of subsection (f) of this Code section; or

(B) The qualified community development entity or any subsidiary qualified community development entity that issues a qualified equity investment certified under this subsection fails to make qualified low-income community investments in qualified active low-income community businesses in this state equal to at least 85 percent of the purchase price of the qualified equity investment in compliance with subsection (p) of this Code section by the second credit allowance date of such qualified equity investment.

(2) The fee required under paragraph (1) of this subsection shall be paid to the department and held in the New Markets Performance Guarantee Account until such time as compliance with the provisions of this subsection shall have been established. The qualified community development entity may request a refund of the fee from the department no sooner than 30 days after the qualified community development entity and all transferees under paragraph (6) of subsection (f) of this Code section having invested 85 percent of the purchase price of qualified equity investments issued by the qualified community development entity and such transferees by the second credit allowance date in compliance with subsection (p) of this Code section. The state treasurer shall have 30 days to comply with such request or give notice of noncompliance.

(k)(1) The department shall issue letter rulings regarding the tax credit program authorized under this Code section, subject to the terms and conditions set forth in this Code section.

(2) The department shall respond to a request for a letter ruling within 60 days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The department may refuse to issue a letter ruling for good cause but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(A) The applicant requests the department to determine whether a statute is constitutional or a regulation is lawful;

(B) The request involves a hypothetical situation or alternative plans;

(C) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and

(D) The issue is currently being considered in a rule-making procedure, contested case, or other agency or judicial proceeding that may resolve the issue.

(3) Letter rulings shall bind the department and the department's agents and their successors until such time as the entity or its shareholders, members, or partners, as applicable, claim all of such credits on a Georgia tax return or report, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

(4) In rendering letter rulings and making other determinations under this Code section, to the extent applicable, the department, the Department of Revenue, and the Commissioner shall look for guidance to Section 45D of the Internal Revenue Code of 1986, as amended, and the rules and regulations issued thereunder.

(l)(1) An entity claiming a credit under this Code section is not required to pay any additional retaliatory tax levied under Code Section 33-3-26 as a result of claiming that credit.

(2) In addition to the exclusion in paragraph (1) of this subsection, an entity claiming a credit under this Code section shall not be required to pay any additional tax that may arise as a result of claiming that credit.

(m)(1) Once certified under paragraph (4) of subsection (f) of this Code section, a qualified equity investment shall not be decertified unless all of the requirements of paragraph (2) of this subsection have been met. Until all qualified equity investments issued by a qualified community development entity are decertified under this subsection, the qualified community development entity shall not be entitled to distribute to its equity holders or make cash payments on long-term debt securities that have been designated as qualified equity investments in an amount that exceeds the sum of: (i) the cumulative operating income, as defined by regulations adopted under Section 45D of the Internal Revenue Code of 1986, as amended, earned by the qualified community development entity since issuance of the qualified equity investment, prior to giving effect to any expense from the payment of interest on long-term debt securities designated as qualified equity investments, and (ii) 50 percent of the purchase price of the qualified equity investments issued by the qualified community development entity.

(2) To be decertified, a qualified equity investment shall:

(A) Be beyond its seventh credit allowance date;

(B) Have been in compliance with subsection (h) of this Code section up through its seventh credit allowance date, including any cures under subsection (i) of this Code section; and

(C) Have had its proceeds invested in qualified low-income community investments such that the total qualified low-income community investments made, cumulatively including reinvestments, exceeds 150 percent of its qualified equity investment.

(3) A community development entity that seeks to have a qualified equity investment decertified under this subsection shall send notice to the department of its request for decertification along with evidence supporting the request. The provisions of subparagraph (B) of paragraph (2) of this subsection shall be deemed to be met if no recapture action has been commenced by the department as of the seventh credit allowance date. Such request shall not be unreasonably denied and shall be responded to within 30 days of receiving the request. If the request is denied for any reason, the burden of proof shall be on the department in any administrative or legal proceeding that follows.

(n) No qualified community development entity shall be entitled to pay to any affiliate of such qualified community development entity any fees in connection with any activity under this subsection prior to the decertification under subsection (m) of this Code section of all qualified equity investments issued by such qualified community development entity and all transferees under paragraph (6) of subsection (f) of this Code section. The foregoing shall not prohibit a qualified community development entity from allocating or distributing income earned by it to such affiliates or from paying reasonable interest on amounts loaned to the qualified community development entity by such affiliates.

(o) A qualified active low-income community business that receives a qualified low-income community investment from a qualified community development entity that issues qualified equity investments pursuant to this chapter, or any affiliates of such a qualified active low-income community business, may not directly or indirectly:

(1) Own or have the right to acquire an ownership interest in a qualified community development entity or member or affiliate of a qualified community development entity, including, but not limited to, a holder of a qualified equity investment issued by the qualified community development entity; or

(2) Lend to or invest in a qualified community development entity or member or affiliate of a qualified community development entity, including, but not limited to, a holder of a qualified equity investment issued by a qualified community development entity where the proceeds of the loan or investment are directly or indirectly used to fund or refinance the purchase of a qualified equity investment hereunder.

For purposes of this subsection, a qualified community development entity is not considered an affiliate of a qualified active low-income community business solely as a result of its qualified low-income community investment in the business.

(p) For purposes of satisfying subparagraph (h)(1)(C) of this Code section, a qualified community development entity, together with all transferees under paragraph (6) of subsection (f) of this Code section, shall:

(1) Invest an amount equal to at least 25 percent of the purchase price of all qualified equity investments issued by the qualified community development entity and such transferees in qualified active low-income community businesses located in nonmetropolitan counties in this state as identified by the Community Development Financial Institutions Fund in connection with Section 45D of the Internal Revenue Code of 1986, as amended; and

(2) Maintain such level of investment set forth in paragraph (1) of this subsection in accordance with subparagraph (h)(1)(C) of this Code section.

(q)(1) Qualified community development entities issuing qualified equity investments shall submit a report to the department within the first five business days after the first anniversary of the initial credit allowance date that provides documentation as to the investment of 85 percent of the purchase price in qualified low-income community investments in qualified active low-income community businesses located in this state. The report shall include:

(A) A bank statement of the qualified community development entity evidencing each qualified low-income community investment;

(B) Evidence that the business was a qualified active low-income community business at the time of the qualified low-income community investment; and

(C) Evidence of the qualified community development entity's compliance with subsection (h) of this Code section.

(2) After submitting the annual report required pursuant to subparagraph (A) of paragraph (1) of this subsection, the qualified community development entity shall submit an annual report to the department within 60 days of the beginning of the calendar year during the compliance period. An annual report is not due before the first anniversary of the initial credit allowance date and is not due with respect to a qualified active low-income community business that has redeemed or repaid all outstanding qualified low-income community investments. The department shall publish the report on the department's website in a publicly available format. The report published on the website shall not include any proprietary or confidential information. The report shall include, but not be limited to, the following:

(A) With respect to each qualified active low-income community business:

(i) Its name and address;

(ii) The amount of qualified low-income community investments received; and

(iii) The cumulative amount of qualified low-income community investments, exclusive of qualified low-income community investments made with repaid or redeemed qualified low-income community investments or interest profits realized thereon; and

(B) Average annual salary of positions described in subparagraph (A) of this paragraph."

SECTION 2.

Chapter 10 of Title 10 of the Official Code of Georgia Annotated, relating to seed-capital fund, is amended by adding a new Code section to read as follows:

"10-10-21.

(a) This Code section shall be known and may be cited as the 'Invest Georgia Tax Credit.'

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

(1) 'Allocation amount' means the total amount of tax credits purchased by a qualified taxpayer.

(2) 'Applicable percentage' means 0 percent for the first two credit allowance dates and 20 percent for the next five credit allowance dates.
(3) 'Board' means the Invest Georgia Board created under Code Section 10-10-12.
(4) 'Contributed capital' shall have the same meaning as provided in Code Section 10-10-11; provided, however, that all contributed capital obtained by the fund pursuant to this Code section shall be considered a private contribution authorized pursuant to Code Section 10-10-15 and shall be paid to the fund for tax credits allocated pursuant to this Code section.
(5) 'Credit allowance date' means the date on which a qualified taxpayer purchases tax credits authorized under this Code section and each of the six anniversary dates of such date thereafter.
(6) 'Fund' means the Invest Georgia Fund created under Code Section 10-10-10.
(7) 'Program' means the Invest Georgia Tax Credit Program.
(8) 'Qualified taxpayer' means any of the following that has insurance premiums tax liability and contributes capital to purchase premiums tax credits under this Code section:
(A) An insurance company authorized to do business in this state; and
(B) A holding company that has at least one insurance company subsidiary authorized to do business in this state.
(9) 'State premium tax liability' means any liability incurred by any entity under Code Sections 33-3-26 and 33-8-4, or, if the tax liability under Code Sections 33-3-26 and 33-8-4 is eliminated or reduced, the term shall also mean any tax liability imposed on an insurance company or other person that had premium tax liability under the laws of this state.
(10) 'Tax credit' means a credit against an entity's state premium tax liability offered to or held by a qualified taxpayer under this Code section.
(c) The fund is hereby allocated and authorized to sell up to $55,000,000.00 of tax credits to qualified taxpayers.
(d) The board is authorized to sell the tax credits authorized under this Code section or contract with an independent third party to conduct such sale, including without limitation by a bidding process among qualified taxpayers to purchase the tax credits. In raising capital for the program, the board shall have the discretion to distribute tax credits using a market-driven approach or any approach it reasonably determines will serve to maximize the yield to the fund for the program.
(e) A qualified taxpayer that purchases tax credits from the fund owns a vested right to credit against the taxpayer's state premium tax liability on a premium tax report filed under this Code section that may be utilized as follows:
(1) On each credit allowance date of such qualified equity investment, the taxpayer, or subsequent holder of the tax credit, shall be entitled to utilize a portion of such credit during the taxable year, including such credit allowance date;
(2) The credit amount shall be equal to the applicable percentage for such credit allowance date multiplied by the amount of tax credits purchased; and

(3) The amount of the credit claimed by a taxpayer shall not exceed the amount of such taxpayer's state premium tax liability for the tax year for which the credit is claimed. Any amount of tax credit that the taxpayer is prohibited from claiming in a taxable year as a result of this Code section may be carried forward for use in any subsequent taxable year, provided that the credit may not be carried over to any taxable year that begins after December 31, 2028.

(f) No tax credit claimed under this Code section shall be refundable, and a qualified taxpayer may not carry back a tax credit.

(g) Tax credits obtained under this Code section may be transferred or sold without restriction to any entity that is a qualified taxpayer and that agrees to assume all of the transferor's obligations with respect to the initial purchase of the tax credit, provided that written notice is provided to the fund at least 30 days prior to completing the transfer or sale.

(h) Tax credits obtained by or allocated to a partnership, limited liability company, or S-corporation may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders.

(i) The board shall maintain records of the owners of tax credits purchased from the fund or subsequently transferred or sold and shall require all qualified taxpayers to transmit information about the holders of the tax credits that may be required by the Commissioner of Insurance or Department of Revenue as a condition of purchase, transfer, or sale.

(j) Contributed capital committed by a qualified taxpayer for the purchase of a tax credit shall be paid to the fund. A qualified taxpayer that commits contributed capital to the fund shall certify to the board that the qualified taxpayer has no interest in the fund or expectation of return, equity interest, or any other residual value for its contribution beyond that of the tax credits received. Nothing under this Code section shall prohibit the board from establishing an installment payment schedule for payments of contributed capital to be made by the qualified taxpayer.

(k) The use by a qualified taxpayer of a tax credit purchased from the fund or from another qualified taxpayer that initially purchased a tax credit from the fund constitutes a form of payment of tax and not a credit earned for any other act by the qualified taxpayer.

(l) An entity claiming a credit under this Code section is not required to pay any additional retaliatory tax levied under Code Section 33-3-26 as a result of claiming that credit.

(m) An entity claiming a credit under this Code section shall not be required to pay any additional tax that may arise as a result of claiming that credit.

(n) The Commissioner of Insurance shall permit qualified taxpayers to report the present value of tax credits purchased as an admissible asset for statutory reporting purposes.

(o) On receipt of payment or payments of capital, the board shall notify the Commissioner of Insurance and the Department of Revenue of the amounts of fully vested tax credits that each qualified taxpayer has purchased.
(p) The fund shall not execute the sale of tax credits for cumulative cash payments of less than 75 percent of the amount of tax credits sold to each qualified taxpayer.
(q) The fund may use contributed capital paid by a qualified taxpayer for any purpose authorized under Article 2 of this chapter.
(r) The board shall be authorized to promulgate any rules and regulations necessary to implement and administer this Code section."

SECTION 3.

This Act shall become effective on July 1, 2015, and shall be applicable to all taxable years beginning on or after January 1, 2016.

SECTION 4.

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

The following amendment was read and adopted:

Representative Shaw of the 176th offers the following amendment:

Amend the Senate Insurance and Labor Committee substitute to HB 439 (LC 37 2010ERS) by deleting on line 100 "48-7-27, and 48-7-31" *and replacing with* "48-7-21, and 48-7-27".

By deleting on line 116 "premium".

By deleting lines 138 and 139 and inserting in lieu thereof the following:
Financial Institutions Fund;

By deleting on line 150 "; and" *and replacing with* "."

By deleting lines 165 and 166 and inserting in lieu thereof the following:
Code of 1986, as amended.

Representative Shaw of the 176th moved that the House agree to the Senate substitute, as amended by the House, to HB 439.

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

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

On the motion, the ayes were 133, nays 24.

The motion prevailed.

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

Mr. Speaker:

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

SB 169. By Senators Gooch of the 51st, Williams of the 19th, Beach of the 21st, Mullis of the 53rd, Miller of the 49th and others:

A BILL to be entitled an Act to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to revise what constitutes part of the state highway system; to provide for the

appropriation of funds to the Department of Transportation; to provide for notice in the disposition of property; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for submission of electronic accident reports by law enforcement agencies; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendments to the Senate substitutes to 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 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 372. By Representatives Coomer of the 14th, Glanton of the 75th, Nimmer of the 178th, Dickey of the 140th, Coleman of the 97th and others:

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

The Speaker assumed the Chair.

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

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 following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART ONE
SECTION 1-1.

An Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, is amended by adding a new subsection to read as follows:

"(c) In addition to all other territory included within the boundaries of the city, the city shall also include the following described real property:

Beginning at a point approximately one hundred (100) feet south of the intersection of Pecan Street and East Ponce de Leon Avenue, where the existing corporate limit line of the City of Clarkston intersects with the CSX railroad; Then, following the CSX railroad in a westerly direction to its intersection with the eastern right-of-way line of Interstate 285; Then, following the eastern right-of- way line of Interstate 285 in a northerly direction for approximately nine hundred and eighty (980) feet to a point where the eastern right-of-way line of Interstate 285 intersects the existing corporate limit line of the City of Clarkston; Then, following the corporate limit line of the City of Clarkston in a easternly direction for approximately one hundred and twenty (120) feet, then in a northerly direction for approximately two thousand (2,000) feet, then in an easterly direction for approximately seven hundred and fifty (750) feet to a point approximately two hundred fifty (250) feet north of the intersection of Casa Drive and Casa Woods Lane; Then, following the existing curved corporate limit line of the City

of Clarkston in a south-southeasterly direction to a point where the existing corporate limit line of the City of Clarkston intersects the CSX railroad, this point being the point of beginning."

SECTION 1-2.

This part shall become effective on January 1, 2016, if approved by the referendum provided for in Part 3 of this Act.

PART TWO

SECTION 2-1.

An Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, is amended by adding a new subsection to read as follows:

"(c) In addition to all other territory included within the boundaries of the city, the city shall also include the following described real property:

Beginning at a point approximately one hundred (100) feet south of the intersection of Pecan Street and East Ponce de Leon Avenue, where the existing corporate limit line of the City of Clarkston intersects with the CSX railroad; Then, following the existing curved corporate limit line of the City of Clarkston in a southeasterly direction to a point where the existing corporate limit line of the City of Clarkston intersects the southern right-of-way line of Rowland Street, approximately one hundred fifty (150) feet east of the intersection of Rowland and Lovejoy Streets; Then, following a line consistent with the boundary lines of adjacent parcels in a westerly direction for approximately two thousand five hundred (2,500) feet, to a point on the eastern right-of-way line of Interstate 285; Then, following the eastern right-of-way line of Interstate 285 south to a point approximately seven hundred (700) feet to the west of the intersection of Northem Avenue and Indian Creek Way; Then, crossing the right-of-way of Interstate 285 and continuing west following a line consistent with the boundary lines of adjacent parcels to a point along the eastern right-of-way line of Glendale Road approximately one thousand five hundred (1,500) feet southeast of Church Street; Then, following the eastern right-of-way line of Glendale Road in a northerly direction to its intersection with Gifford Street; Then, following the northern right- of-way line of Gifford Street in a southwesterly direction to the end of Gifford Street; Then, continuing in such southwesterly direction along a line consistent with adjacent parcels for approximately one thousand five hundred (1,500) feet to a point along the eastern right-of-way line of Woodland Avenue; Then, following the eastern right-of-way line of Woodland Avenue south to its intersection with North Decatur Road; Then, following the northern right-of-way line of North Decatur Road west to its intersection with the CSX railroad; Then, following the CSX railroad northeast to the point where it intersects with the existing corporate limit line of the City of Clarkston, this point being the point of beginning."

SECTION 2-2.

This part shall become effective on January 1, 2016.

PART THREE

SECTION 3-1.

The election superintendent of DeKalb County shall call and conduct an election as provided in this section for the purpose of submitting this part to the electors of the territory sought to be annexed into the City of Clarkston under Part 1 of this Act for approval or rejection. The election superintendent shall conduct such election on the Tuesday next following the first Monday in November, 2015, and shall issue the call and conduct such election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall Part Two of the Act which annexes certain land into the City of
( ) NO Clarkston be approved?"

All persons desiring to vote for approval of the annexation shall vote "Yes," and all persons desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the votes cast on such question are for approval of the annexation, then this part shall become effective on January 1, 2016. If more than one-half of the votes cast on such question are for rejection of the annexation, this part shall not become effective and shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by the City of Clarkston. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3-2.

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

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 Senate substitute was read:

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 provide for the compensation of the Judge of the Probate Court, the Chief Judge of the State Court, the Chief Magistrate, the full-time Magistrates, and the Presiding Judge of the Juvenile Court of Chatham County; to provide for certain salary adjustments; 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 subsections (a) and (b) as follows:

"(a)(1) As used in this subsection, the term 'county supplemental salary' means the amount of compensation remaining after subtracting base salary, cost-of-living allocations granted by either the state or local governing authority, longevity or other statutorily granted fees, or other compensation granted by general law. The county supplemental salary for a county officer or official provided for in this section shall be adjusted as provided for in this subsection or by the Board of Commissioners, so long as such supplemental salary is not reduced for an officer or official during a current term of office.

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

(A) The tax commissioner shall receive the minimum annual salary provided by Code Section 48-5-183 of the O.C.G.A. and a salary supplement in the amount of $18,318.00 per year;

(B) The clerk of the superior court shall receive the minimum annual salary provided by Code Section 15-6-88 of the O.C.G.A. and a salary supplement in the amount of $18,318.00 per year;

(C) The sheriff shall receive the minimum annual salary provided by Code Section 15-16-20 of the O.C.G.A. and a salary supplement in the amount of $25,241.00 per year; and

(D) The coroner shall receive the minimum annual salary provided by Code Section 45-16-11 of the O.C.G.A. and a salary supplement in the amount of $54,000.00 per year.

(3)(A) Actual total compensation received upon the effective date of this Act shall be the current compensation of the officer or official, and such compensation shall not be reduced within a current term of office.

(B) For each successive term of office, should there be a change in the officer or official elected or holding such office by other selection method, then the county supplemental salary shall be eliminated unless action is taken by the Board of Commissioners prior to the conclusion of the current term to continue, increase, or decrease the county supplemental salary.

(C) The Board of Commissioners shall exercise its discretion to grant or deny any increase in county supplemental salary to the extent permitted under general law.

(b)(1) The compensation received by any judge on the effective date of this Act, including salaries, cost-of-living increases, and longevity increases, shall not be reduced during any such judge's current term of office. Should the person serving as a full-time judge on the effective date of this Act be receiving more compensation than the compensation as calculated pursuant to subsection (6) of this Act, then such person shall not be entitled to any further salary adjustments, notwithstanding any other provision of this Act, until his or her salary is in an amount as calculated according to paragraph (6) of this subsection.

(2) No judge shall be entitled to any salary adjustment from county funds except as provided in this subsection. Should any general law be enacted mandating an increase in the total compensation of any judge by a method other than granting a general salary increase to the judges of the superior courts, then the salary adjustments provided for in paragraph (6) of this subsection shall be reduced by an amount equal to the additional amount so granted by general law. Such reduction shall become effective on the first day of the next term of office.

(3) Should any judge not currently entitled to longevity pay pursuant to general law be subsequently granted such longevity pay, the amount of longevity pay provided for in paragraph (6) of this subsection shall be reduced by an amount equal to the longevity pay so granted by general law.

(4) This subsection establishes salaries for the respective judicial officers, and no compensation shall be considered a salary supplement.

(5) Any longevity pay described in paragraph (6) of this subsection shall be effective for each term that begins after January 1, 2016, and no term completed before that date shall be used to compute such longevity pay.

(6)(A)(i) 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.

(ii) 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.

(B)(i) 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.

(ii) 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.

(C)(i) 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.

(ii) 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.

(D)(i) 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 equal to 85 percent of the salary supplement paid to the Chief Judge of the Eastern Judicial Circuit.

(ii) 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.

(E)(i) 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.

(ii) 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.

(F) With the combined consent of the Board of Commissioners and the judges of the superior court, the presiding judge of the juvenile court and the judges of the juvenile court shall receive an annual salary equal to the sum of 90 percent of the annual salary of the judge of the superior court.

(7) The annual compensation provided in paragraph (6) of this subsection 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.

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

On the agreement to the Senate substitutes, the roll call was ordered and the vote was as follows:

Y Abrams	Coomer	Y Harbin	Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Oliver	Y Stephens, M
Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	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	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.

Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E 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	E Sims	Ralston, Speaker

On the agreement to the Senate substitutes, the ayes were 162, nays 0.

The House has agreed to the Senate substitutes.

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

HOUSE SUPPLEMENTAL RULES CALENDAR #2
THURSDAY, APRIL 2, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

Modified Structured Rule

SB 64 Juvenile Code, Domestic Relations, and Vital Records; repeal voluntary acknowledgments of legitimation (Substitute)(JuvJ-Weldon-3rd) Hufstetler-52nd (Rules Committee Substitute LC 29 6670S)

SB 126 Pharmacists and Pharmacies; expansion of certain medical professionals to prescribe auto-injectable epinephrine to authorized entity; emergency purposes (Substitute)(H&HS-Clark-101st) Hufstetler-52nd (AM 33 1572)

SB 160 Alcoholic Beverages; revise penalties for a violation of Code Section 3-3-23 (Substitute)(JudyNC-Strickland-111th) Williams-27th (AM 29 2475)

Structured Rule

None

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

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

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

SB 126. By Senators Hufstetler of the 52nd and Orrock of the 36th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies; to amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health; to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, so as to provide for emergency public access stations to allow a lay rescuer to consult with a medical professional to administer or make available auto-injectable epinephrine under certain circumstances; to provide for immunity; 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 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize certain health care practitioners to prescribe auto-injectable epinephrine to an authorized entity for emergency purposes; to amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to health generally, so as to provide for authorized entities to acquire and stock a supply of auto-

injectable epinephrine; to authorize certain individuals to administer auto-injectable epinephrine under certain circumstances; to provide for immunity; to provide for reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by revising Code Section 26-4-116.1, relating to licensed health practitioners authorized to prescribe auto-injectable epinephrine for schools and pharmacists authorized to fill prescriptions, as follows:

"26-4-116.1.

(a) A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of a public or private school for use in accordance with Code Section 20-2-776.2 and in accordance with protocol specified by such physician, advanced practice registered nurse, or physician assistant.

(b) ~~A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription issued in accordance with subsection (a) of this Code section~~ A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.l) of Code Section 43-34-103 may prescribe auto-injectable epinephrine in the name of an authorized entity in accordance with Code Section 31-1-14.

(c) A pharmacist may dispense auto-injectable epinephrine pursuant to a prescription issued in accordance with subsection (a) or (b) of this Code section."

SECTION 2.

Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to health generally, is amended by adding a new Code section to read as follows:

"31-1-14.

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

(1) 'Authorized entity' means any entity or organization, other than a school subject to Code Section 20-2-776.2, in connection with or at which allergens capable of causing anaphylaxis may be present, as identified by the department. The department shall, through rule or other guidance, identify the types of entities and organizations that are considered authorized entities no later than January 1, 2016, and shall review and update such rule or guidance at least annually thereafter. For purposes of illustration only, such entities may include, but are not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas.

(2) 'Auto-injectable epinephrine' means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(3) 'Health care practitioner' means a physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.l) of Code Section 43-34-103.

(b) An authorized entity may acquire and stock a supply of auto-injectable epinephrine pursuant to a prescription issued in accordance with Code Section 26-4-116.1. Such auto-injectable epinephrine shall be stored in a location readily accessible in an emergency and in accordance with the auto-injectable epinephrine's instructions for use and any additional requirements that may be established by the department. An authorized entity shall designate employees or agents who have completed the training required by subsection (d) of this Code section to be responsible for the storage, maintenance, control, and general oversight of auto-injectable epinephrine acquired by the authorized entity.

(c) An employee or agent of an authorized entity, or any other individual, who has completed the training required by subsection (d) of this Code section may use auto-injectable epinephrine prescribed pursuant to Code Section 26-4-116.1 to:

(1) Provide auto-injectable epinephrine to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or to the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for auto-injectable epinephrine or has previously been diagnosed with an allergy; and

(2) Administer auto-injectable epinephrine to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for auto-injectable epinephrine or has previously been diagnosed with an allergy.

(d) An employee, agent, or other individual described in subsection (b) or (c) of this Code section shall complete an anaphylaxis training program and repeat such training at least every two years following completion of the initial anaphylaxis training program. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the department. Training may be conducted online or in person and, at a minimum, shall cover:

(1) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

(2) Standards and procedures for the storage and administration of auto-injectable epinephrine; and

(3) Emergency follow-up procedures.

(e) An authorized entity that possesses and makes available auto-injectable epinephrine and its employees, agents, and other individuals; a health care practitioner that prescribes or dispenses auto-injectable epinephrine to an authorized entity; a pharmacist or health care practitioner that dispenses auto-injectable epinephrine to an authorized

entity; and an individual or entity that conducts the training described in subsection (d) of this Code section shall not be liable for any injuries or related damages that result from any act or omission taken pursuant to this Code section; provided, however, that this immunity does not apply to acts or omissions constituting willful or wanton misconduct. The administration of auto-injectable epinephrine in accordance with this Code section is not the practice of medicine or any other profession that otherwise requires licensure. This Code section does not eliminate, limit, or reduce any other immunity or defense that may be available under state law, including that provided under Code Section 51-1-29. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of auto-injectable epinephrine outside of this state if the entity:

(1) Would not have been liable for such injuries or related damages had the provision or administration occurred within this state; or

(2) Is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

(f) An authorized entity that possesses and makes available auto-injectable epinephrine shall submit to the department, on a form developed by the department, a report including each incident on the authorized entity's premises that involves the administration of auto-injectable epinephrine pursuant to subsection (c) of this Code section and any other information deemed relevant by the department. The department shall annually publish a report that summarizes and analyzes all reports submitted to it under this subsection.

(g) The department shall establish requirements regarding the storage, maintenance, control, and oversight of the auto-injectable epinephrine, including but not limited to any temperature limitations and expiration of such auto-injectable epinephrine."

SECTION 3.

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

The following amendment was read and adopted:

Representative Cooper of the 43rd offers the following amendment:

Amend the House Committee on Health and Human Services substitute to SB 126 (LC 33 6211S) by inserting after "purposes;" *on line 3 the following:*

to authorize licensed health practitioners to prescribe levalbuterol sulfate for schools; to authorize pharmacists to fill such prescriptions;

By inserting after "reports;" *on line 7 the following:*

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, so as to authorize public and private schools to stock a supply of levalbuterol sulfate; to provide

for definitions; to provide for requirements and reporting; to provide for arrangements with manufacturers; to provide for rules and regulations;

By inserting between lines 29 and 30 the following:

SECTION 1A.

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

"26-4-116.3.

(a) A physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may prescribe levalbuterol sulfate or albuterol sulfate in the name of a public or private school for use in accordance with Code Section 20-2-776.3.

(b) A pharmacist may dispense levalbuterol sulfate or albuterol sulfate pursuant to a prescription issued in accordance with subsection (a) of this Code section."

By inserting between lines 108 and 109 the following:

SECTION 2A.

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, is amended by adding a new Code section to read as follows:

"20-2-776.3.

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

(1) 'Levalbuterol sulfate' means an orally inhaled medication that contains a premeasured single dose of levalbuterol sulfate or albuterol sulfate delivered by a nebulizer or compressor device or by a pressurized metered dose inhaler used to treat perceived respiratory distress including, but not limited to, wheezing, shortness of breath, and difficulty breathing.

(2) 'Licensed practitioner' means a physician licensed to practice medicine in this state, an advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103.

(b) A public or private school in this state may acquire and stock a supply of levalbuterol sulfate pursuant to a prescription issued in accordance with Code Section 26-4-116.3. A public or private school may designate an employee or agent trained in the possession and administration of levalbuterol sulfate to be responsible for the storage, maintenance, and distribution of the levalbuterol sulfate stocked by the school.

(c) Any school employee or agent of a public or private school who has completed training or received information pursuant to subsection (c) of Code Section 20-2-776.4 in recognizing the symptoms of respiratory distress and the correct method of administering the levalbuterol sulfate may:

(1) Provide levalbuterol sulfate to any student such employee or agent believes in good faith is experiencing a perceived respiratory distress for immediate self-administration; or

(2) Administer levalbuterol sulfate to any student such employee or agent believes in good faith is experiencing a perceived respiratory distress, regardless of whether the student has a prescription for levalbuterol sulfate.

(d) A public or private school may enter into arrangements with manufacturers of approved levalbuterol sulfate or third-party suppliers of levalbuterol sulfate to obtain the products free of charge or at fair market or reduced prices.

(e) No later than July 1, 2015, the State Board of Education, in consultation with the Department of Public Health, shall adopt regulations as necessary to implement the provisions of this Code section.

(f)(1) Any school personnel who in good faith administers or chooses not to administer levalbuterol sulfate to a student pursuant to this Code section shall be immune from civil liability for any act or omission to act related to the administration of levalbuterol sulfate, except that such immunity shall not apply to an act of willful or wanton misconduct.

(2) Any licensed practitioner who prescribes levalbuterol sulfate pursuant to Code Section 26-4-116.3 for use by a school in accordance with this Code section shall be immune from civil liability for any act or omission to act related to the administration of such levalbuterol sulfate, except that such immunity shall not apply to an act of willful or wanton misconduct.

20-2-776.4.

(a) As used in this Code section, the term 'levalbuterol sulfate' means an orally inhaled medication that contains a premeasured single dose of levalbuterol sulfate or albuterol sulfate delivered by a nebulizer or compressor device or by a pressurized metered dose inhaler used to treat perceived respiratory distress including, but not limited to, wheezing, shortness of breath, and difficulty breathing.

(b) Each local board of education shall adopt a policy authorizing school personnel to administer levalbuterol sulfate, if available, to a student upon the occurrence of perceived respiratory distress by the student, whether or not such student has a prescription for levalbuterol sulfate.

(c) Each local board of education shall provide information to school personnel on how to recognize the symptoms of respiratory distress and the correct method of administering the levalbuterol sulfate.

(d) Any school personnel who in good faith administers or chooses not to administer levalbuterol sulfate to a student pursuant to this Code section shall be immune from civil liability for any act or omission to act related to the administration of levalbuterol sulfate, except that such immunity shall not apply to an act of willful or wanton misconduct."

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

On the passage of the Bill, by substitute, as amended, the ayes were 165, nays 1.

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

SB 160. By Senators Williams of the 27th, Cowsert of the 46th, Harper of the 7th, Mullis of the 53rd, Jones of the 25th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding alcoholic beverages, so as to revise penalties for a violation of Code Section 3-3-23; 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 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding alcoholic beverages, so as to revise penalties for a violation of Code Section 3-3-23; to amend Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to arrest by law enforcement officers generally, so as to revise procedures for arrest by citation; 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 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding alcoholic beverages, is amended by revising subsections (d) and (e) of Code Section 3-3-23.1, relating to procedure and penalties upon violation of Code Section 3-3-23, as follows:

"(d)(1) ~~Unless the officer has reasonable cause to believe such person is intoxicated,~~ Except as provided for in paragraph (2) of this subsection, a law enforcement officer ~~may~~ shall arrest by issuance of a citation, ~~summons, or accusation a~~ pursuant to Code Section 17-4-23, any person accused of violating ~~any provision~~ paragraph (2), (3), or (5) of subsection (a) of Code Section 3-3-23. The citation~~, summons, or accusation~~ shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. If the person charged shall fail to appear as required, the judge having jurisdiction of the offense may issue a warrant or other order directing the apprehension of such person and commanding that such person be brought before the court to answer the charges contained within the citation~~, summons, or accusation~~ and the charge of his or her failure to appear as required. Nothing in this ~~subsection~~ paragraph shall be construed to invalidate an otherwise valid arrest by citation, summons, or accusation of a person who is intoxicated and who has committed an offense under the laws of this state other than that provided for in Code Section 3-3-23. Nothing in this paragraph shall be construed to restrict the discretion of the prosecuting attorney to use a uniform traffic citation as the formal charging document.

(2) If the arresting officer provided for in paragraph (1) of this subsection has probable cause to believe that a person accused of violating paragraph (2), (3), or (5) of subsection (a) of Code Section 3-3-23 is intoxicated to the extent that he or she poses a danger to himself or herself or to the person or property of another, the arresting officer may effect a custodial arrest of such person in addition to the issuance of a citation, summons, or accusation. The citation, summons, or accusation shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. In all such cases provided for under this subsection, the provisions of Code Section 17-6-1 shall apply. Nothing in this paragraph shall be construed to invalidate an otherwise valid arrest by citation, summons, or accusation of a person who is intoxicated and who has committed an offense under the laws of this state other than that provided for in Code Section 3-3-23.

(e) A law enforcement officer arresting a person by the issuance of a citation~~, summons, or accusation~~ under paragraph (1) of subsection (d) of this Code section may require any such person having a driver's license or instruction permit to deposit such license or permit with the arresting officer in order to ensure the appearance of such person to answer the charges against him or her. The procedures and rules connected with the acceptance of such license or permit and subsequent disposition of the case shall be the same as provided for the acceptance of a driver's license as bail on arrest for traffic offenses pursuant to Code Section 17-6-11."

SECTION 2.

Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to arrest by law enforcement officers generally, is amended by revising subsection (a) of Code Section 17-4-23, relating to procedure for arrests by citation for motor vehicle violations, issuance of warrants for arrest for failure of persons charged to appear in court, and bond, as follows:

"(a) A law enforcement officer may arrest a person accused of violating any law or ordinance governing the operation, licensing, registration, maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of subsection (a) of Code Section 3-3-23 by the issuance of a citation, provided that the offense is committed in his presence or information constituting a basis for arrest concerning the operation of a motor vehicle or a violation of paragraph (2), (3), or (5) of subsection (a) of Code Section 3-3-23 was received by the arresting officer from a law enforcement officer observing the offense being committed, except that, where the offense results in an accident, an investigating officer may issue citations regardless of whether the offense occurred in the presence of a law enforcement officer. The arresting officer shall issue to such person a citation which shall enumerate the specific charges against the person and the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. Whenever an arresting officer makes an arrest concerning the

operation of a motor vehicle based on information received from another law enforcement officer who observed the offense being committed, the citation shall list the name of each officer and each must be present when the charges against the accused person are heard."

SECTION 3.

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

The following amendment was read:

Representative Strickland of the 111 et al. offer the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to SB 160 (LC 29 6637S) by inserting after "Code Section 3-3-23;" *on line 3 the following:*

to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, so as to prohibit any person from causing a minor to be identified as the individual in an obscene depiction; to provide for definitions; to provide for venue; to provide for exceptions; to provide for penalties;

By inserting between lines 51 and 52 the following:

SECTION 1A.

Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, is amended by adding a new Code section to read as follows:

"16-11-40.1.

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

(1) 'Minor' means an individual who is under the age of 18 years.

(2) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.

(3) 'Obscene depiction' means a visual depiction of an individual displaying nudity or sexually explicit conduct.

(4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

(b) No person shall intentionally cause a minor to be identified as the individual in an obscene depiction in such a manner that a reasonable person would conclude that the image depicted was that of such minor. Such identification shall include, without limitation, the minor's name, address, telephone number, e-mail address, username, or other electronic identification. Such identification shall also include the electronic imposing of the facial image of a minor onto an obscene depiction.

(c) Any person convicted of violating this Code section shall be guilty of a misdemeanor; provided, however, that upon a second or subsequent violation of this Code section, he or she shall be guilty of a felony and, upon conviction thereof, shall be

punished by imprisonment of not less than one nor more than five years, a fine of not more than $100,000.00, or both.

(d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1 for any conduct made unlawful by this Code section in which such person engages while:

(1) Either within or outside of this state if, by such conduct, the person commits a violation of this Code section which involves an individual who resides in this state; or

(2) Within this state if, by such conduct, the person commits a violation of this Code section which involves an individual who resides within or outside this state.

(e) The provisions of subsection (b) of this Code section shall not apply to:

(1) The activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses; or

(2) An image and identification made pursuant to or in anticipation of a civil action.

(f) Any violation of this Code section shall constitute a separate offense and shall not merge with any other crimes set forth in this title."

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

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

Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
E Marin
Y Martin
Maxwell
Y Mayo
Y McCall
McClain
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
E Sims
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the adoption of the amendment, the ayes were 158, nays 1.

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

On the passage of the Bill, by substitute, as amended, the ayes were 162, nays 2.

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

Andy Welch
Georgia House of Representatives

Representative Welch and Weldon support SB 160; however, our vote reflects an objection based on Georgia's Constitutional requirement that bills consist of a single subject matter and SB 160 was amended to include a second subject matter.

/s/ Andy Welch 110th

/s/ Tom Weldon 3rd

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 following Committee substitute was read and withdrawn:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, domestic relations, and vital records, respectively, so as to repeal voluntary acknowledgments of legitimation; to provide for conforming cross-references relating to the elimination of administrative legitimation; to provide for and revise definitions; to clarify provisions relating to judicial petitions for legitimation; to provide for witnesses to the signing of acknowledgments of paternity; to provide for access to signed acknowledgments of paternity and voluntary acknowledgments of legitimation; to change provisions relating to hospital programs for establishing paternity; to provide for a savings clause; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, is amended by revising paragraph (43) as follows:

"(43) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted ~~a~~ such child;

(B) Was married to the biological mother of ~~a~~ such child at the time such child ~~was conceived or~~ was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19;

(C) Married the legal mother of ~~a~~ such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19; or

~~(D) Has been determined to be the father of a child by a final paternity order pursuant to Article 3 of Chapter 7 of Title 19;~~

~~(E)~~(D) Has legitimated ~~a~~ such child by a final order pursuant to Code Section 19-7-22~~; or~~

~~(F) Has legitimated a child pursuant to Code Section 19-7-21.1~~."

SECTION 2.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by repealing in its entirety Code Section 19-7-21.1, relating to acknowledgment of legitimation.

SECTION 3.

Said title is further amended by revising Code Section 19-7-22, relating to the petition for legitimation of a child, requirements therefor, the effect of such, claims for custody or visitation, and third-party actions for legitimation, as follows:

"19-7-22.

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

(1) 'Biological father' means the male who impregnated the biological mother resulting in the birth of a child.

(2) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted such child;

(B) Was married to the biological mother of such child at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of this chapter;

(C) Married the legal mother of such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of this chapter; or

(D) Has legitimated such child pursuant to this Code section.

~~(a)~~(b) The biological ~~A~~ father of a child born out of wedlock may render his relationship with the child legitimate by petitioning the superior court of the county of the residence of the child's mother or other party having legal custody or guardianship of the child; provided, however, that if the mother or other party having legal custody or guardianship of the child resides outside ~~the~~ this state or cannot, after due diligence, be found within ~~the~~ this state, the petition may be filed in the county of the biological father's residence or the county of the child's residence. If a petition for the adoption of the child is pending, the biological father shall file the petition for legitimation in the county in which the adoption petition is filed.

~~(b)~~(c) A legitimation ~~The~~ petition shall set forth the name, age, and sex of the child, the name of the mother, and, if the biological father desires the name of the child to be changed, the new name. If the mother is alive, she shall be named as a party and shall be served and provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.' If there is a legal father who is not the biological father, he shall be named as a party by the petitioner and shall be served and provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

~~(c)~~(d) Upon the presentation and filing of ~~the~~ a legitimation petition, and after a hearing for which notice was provided to all interested parties, the court may ~~pass~~ issue an order declaring the biological father's relationship with the child to be legitimate, ~~and that the~~ provided that such order is in the best interests of the child. If such order is issued, the biological father and child shall be capable of inheriting from each other in the same manner as if born in lawful wedlock ~~and specifying~~. Such order shall specify the name by which the child shall be known.

~~(d)~~(e) A legitimation petition may be filed, pursuant to Code Section 15-11-11, in the juvenile court of the county in which a dependency proceeding regarding the child is pending; provided, however, that if either parent has demanded a jury trial as to child support, that issue of the case shall be transferred to superior court for a jury trial. Such petition shall contain the same information and require the same service and opportunity to be heard as set forth in subsection (c) of this Code section. After a hearing, the juvenile court may issue the same orders as set forth in subsection (d) of this Code section.

~~(e)~~(f) A superior ~~Except as provided by subsection (f) of this Code section, the~~ court shall, ~~upon notice to the mother further establish such duty as the father may have to support the child, considering the facts and circumstances of the mother's obligation of support and the needs of the child~~ after notice and hearing, enter an order establishing the obligation to support a child as provided under Code Section 19-6-15.

~~(f) After a petition for legitimation is granted, if a demand for a jury trial as to support has been properly filed by either parent, then the case shall be transferred from juvenile court to superior court for such jury trial.~~

~~(f.1)~~(g) A ~~The petition for~~ legitimation petition may also include claims for visitation, parenting time, or custody. If such claims are raised in the legitimation action, the court may order, in addition to legitimation, visitation, parenting time, or custody based on

the best interests of the child standard. In a case involving allegations of family violence, the provisions of paragraph (4) of subsection (a) of Code Section 19-9-3 shall also apply.

~~(g)(1)~~(h) In any petition to establish paternity pursuant to paragraph (4) of subsection (a) of Code Section 19-7-43, the alleged biological father's response may assert a third-party action for the legitimation of the child born out of wedlock if the alleged biological father is, in fact, the biological father. Upon the determination of paternity or if a voluntary acknowledgment of paternity has been made and has not been rescinded pursuant to Code Section 19-7-46.1, the court or trier of fact as a matter of law and pursuant to the provisions of Code Section 19-7-51 may enter an order or decree legitimating a child born out of wedlock, provided that such is in the best ~~interest~~ interests of the child. In determining the best interests of the child, the court should insure that the petitioning alleged biological father is, in fact, the biological father and may order the mother, the alleged father, and the child to submit to genetic testing in accordance with Code Section 19-7-45. Whenever a petition to establish the paternity of a child is brought by the Department of Human Services, issues of name change, visitation, and custody shall not be determined by the court until such time as a separate petition is filed by one of the parents or by the legal guardian of the child, in accordance with Code Section 19-11-8; if the petition to establish paternity is brought by a party other than the Department of Human Services or if the alleged biological father seeks legitimation, the court may determine issues of name change, visitation, and custody in accordance with subsections ~~(b) and (f.1)~~ (c) and (g) of this Code section. Custody of the child shall remain in the mother unless or until a court order is entered addressing the issue of custody.

~~(2) In any voluntary acknowledgment of paternity which has been made and has not been rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely agree and consent, the child may be legitimated by the inclusion of a statement indicating a voluntary acknowledgment of legitimation.~~"

SECTION 4.

Said title is further amended by revising Code Section 19-7-25, relating to in whom parental power over a child born out of wedlock lies, as follows:

"19-7-25.

Only the mother of a child born out of wedlock is entitled to custody of the child, unless the father legitimates the child as provided in Code Section ~~19-7-21.1 or~~ 19-7-22. Otherwise, the mother may exercise all parental power over the child."

SECTION 5.

Said title is further amended by revising Code Section 19-7-27, relating to hospital program for establishing paternity, as follows:

"19-7-27.

(a) Except in the event of a medical emergency, prior to ~~Upon~~ the birth of a child to an unmarried woman in a public or private hospital, the hospital that provides ~~perinatal~~ labor and delivery services shall~~:~~

~~(1) Provide the child's mother and alleged father if he is present at the hospital the opportunity to acknowledge paternity consistent with the requirements of Code Section 19-7-46.1; and~~

~~(2) Provide~~ provide to the mother and alleged father:

~~(A)~~(1) Written materials about administratively establishing paternity ~~establishment~~;

~~(B)~~(2) The forms necessary to voluntarily acknowledge paternity;

~~(C)~~(3) A written description of the rights and responsibilities of voluntarily acknowledging paternity, the differences between paternity and legitimation, and the duty to support a child upon acknowledgment of paternity; and

~~(D)~~(4) The opportunity, prior to discharge from the hospital, to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about administratively establishing paternity ~~establishment~~ and the availability of judicial determinations of paternity.

(b) Providing the written materials describing rights and responsibilities shall not constitute the unlawful practice of law.

(c) After the birth of a child to an unmarried woman in a public or private hospital, the hospital that provides labor and delivery services shall:

(1) Provide the child's mother and alleged father if he is present at the hospital the opportunity to execute a voluntary acknowledgment of paternity consistent with the requirements of Code Section 19-7-46.1;

(2) File the signed voluntary acknowledgment of paternity with the State Office of Vital Records within 30 days of its execution; and

(3) Provide to the child's mother and alleged father copies of the signed voluntary acknowledgment of paternity."

SECTION 6.

Said title is further amended by revising subsection (d) of Code Section 19-7-43, relating to petition to establish paternity and genetic testing, as follows:

"(d) In any case in which the paternity of a child or children has not been established, ~~any party may make a motion for the court to~~ the court, either on its own motion or on the motion of any party, may order the mother, the alleged father, and the child or children to submit to genetic tests as specified in Code Section 19-7-45. Such motion, if made by a party, shall be supported by a sworn statement ~~(1)~~ alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties~~;~~ or ~~(2)~~ denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. Appropriate orders shall be issued ~~in accordance with the provisions of this article~~ by the court. The court shall grant ~~the~~ a party's motion unless it finds ~~good cause as~~

~~defined by the federal Social Security Act or if other~~ a good excuse for noncooperation ~~is established~~."

SECTION 7.

Said title is further amended by revising Code Section 19-7-46.1, relating to name or social security number on birth certificate or other record as evidence of paternity and signed voluntary acknowledgment of paternity, as follows:

"19-7-46.1.

(a) The appearance of the name or social security account number of the father, entered with his written consent, on the certificate of birth or a certified copy of such certificate or records on which the name of the alleged father was entered with his written consent from the vital records department of another state or the registration of the father, entered with his written consent, in the putative father registry of this state, pursuant to subsection (d) of Code Section 19-11-9, shall constitute a prima-facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut such in a proceeding for the determination of paternity.

(b) When both the mother and father have signed a voluntary acknowledgment of paternity in the presence of a notary public or other witness swearing or affirming the statements contained in the acknowledgment are true and such acknowledgment is filed with the State Office of Vital Records within 30 days of its execution and ~~the acknowledgment~~ is recorded in the putative father registry established by subsection (d) of Code Section 19-11-9, the acknowledgment shall constitute a legal determination of paternity, subject to the right of any signatory to rescind the acknowledgment prior to the date of the support order, any other order adjudicating paternity, or 60 days from the signing of the agreement, whichever is earlier. Recording such information in the putative father registry shall constitute a legal determination of paternity for purposes of establishing a future order for support~~, visitation privileges,~~ and other matters under Code Section 19-7-51. Acknowledgment of paternity shall establish the biological father, as such term is defined in Code Section 19-7-22, but shall not constitute a legal determination of legitimation pursuant to Code Section ~~19-7-21.1 or~~ 19-7-22.

(c) After the 60 day rescission period specified in subsection (b) of this Code section, the signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the person challenging the acknowledgment. The legal responsibilities of any signatory, including child support obligations, arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

(d) A copy of a signed voluntary acknowledgment of paternity shall be provided to any signatory upon request.

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

(A) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of Title 49.

(B) 'Legal custodian' shall have the same meaning as set forth in Code Section 15-11-2.

(C) 'Local custodian' shall have the same meaning as set forth in Code Section 31-10-1.

(D) 'State registrar' shall have the same meaning as set forth in Code Section 31-10-1.

(2) The state registrar or local custodian, upon receipt of a written application, shall issue a certified copy of voluntary acknowledgment of paternity in the state registrar's or local custodian's custody to:

(A) The person who signed such acknowledgment and his or her guardian or temporary guardian;

(B) The person whose paternity was acknowledged, if he or she is at least 18 years of age;

(C) The guardian, temporary guardian, or legal custodian of the person whose paternity was acknowledged;

(D) The living legal spouse or next of kin, the legal representative, or the person who in good faith has applied and produced a record of such application to become the legal representative of the person whose paternity is registered;

(E) A court of competent jurisdiction upon its order or subpoena;

(F) Any governmental agency, state or federal, provided that such certificate shall be needed for official purposes;

(G) A member in good standing of the State Bar of Georgia, provided that such certificate shall be needed for purposes of legal investigation on behalf of a client; and

(H) A child-placing agency, provided that such certificate shall be needed for official purposes."

SECTION 8.

Said title is further amended by revising Code Section 19-7-51, relating to order of support, visitation privileges, and other provisions, as follows:

"19-7-51.

The decree or order establishing paternity may contain any other provisions concerning the duty to support the child by periodic or lump sum payments~~, visitation privileges with the child~~ as provided in Code Section 19-6-15, or any other matter in the best ~~interest~~ interests of the child."

SECTION 9.

Said title is further amended by revising paragraph (6) of Code Section 19-8-1, relating to definitions relating to adoption, as follows:

"(6) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted ~~a~~ such child;

(B) Was married to the biological mother of ~~that~~ such child at the time ~~that~~ such child ~~was conceived or~~ was born or within the usual period of gestation, unless ~~such~~

paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of this title;

(C) Married the legal mother of ~~the~~ such child after ~~the~~ such child was born and recognized ~~the~~ such child as his own, unless ~~such~~ paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of this title; or

(D) Has legitimated ~~the~~ such child by a final order pursuant to Code Section 19-7-22~~; or~~

~~(E) Has legitimated the child pursuant to Code Section 19-7-21.1~~

~~and who has not surrendered or had terminated his rights to the child~~."

SECTION 10.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-4, relating to when surrender or termination of parental or guardian's rights is required, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 11.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-5, relating to surrender or termination of parental or guardian's rights when child to be adopted by a third party, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 12.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-7, relating to surrender or termination of parental or guardian's rights when child to be adopted by a relative, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 13.

Said title is further amended by revising subsection (c) of Code Section 19-8-9, relating to surrender of parental rights when legal mother puts up for adoption a child that she previously adopted herself, as follows:

"(c) If a legal mother has voluntarily and in writing surrendered all of her parental rights pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 and has not withdrawn her surrender within the ten-day period after signing as permitted by the provisions of subsection (b) of this Code section, she shall have no right or authority to sign ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1 regarding the same child."

SECTION 14.

Said title is further amended by revising subsection (e) of Code Section 19-8-12, relating to notice to biological father, as follows:

"(e) When notice is to be given pursuant to subsection (b) of this Code section, it shall advise such biological father who is not the legal father that he loses all rights to the child and will neither receive notice nor be entitled to object to the adoption of the child unless, within 30 days of receipt of such notice, he files:

(1) A petition to legitimate the child pursuant to Code Section 19-7-22 ~~or an acknowledgment of legitimation pursuant to Code Section 19-7-21.1~~; and

(2) Notice of the filing of the petition to legitimate ~~or acknowledgment of legitimation~~ with the court in which the action under this Code section, if any, is pending and to the person who provided such notice to such biological father."

SECTION 15.

Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is amended by revising subsections (a) and (d) of Code Section 31-10-25, relating to disclosure of information contained in vital records, as follows:

"(a) To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital records, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any such record except as authorized by this chapter, Code Section 19-7-46.1, and ~~by~~ regulation or by order of a court of competent jurisdiction. Regulations adopted under this Code section shall provide for adequate standards of security and confidentiality of vital records. The provisions of this subsection shall not apply to court records or indexes of marriage licenses, divorces, and annulments of marriages filed as provided by law."

"(d) Information in vital records indicating that a birth occurred out of wedlock shall not be disclosed except as ~~provided by regulation or upon the~~ authorized by this chapter, Code Section 19-7-46.1, and regulation or by order of a court of competent jurisdiction."

SECTION 16.

Said chapter is further amended by revising subsection (a) of Code Section 31-10-26, relating to certified copies of vital records, issuance, and use for statistical purposes, as follows:

"(a) In accordance with Code Section 31-10-25 and the regulations adopted pursuant thereto:

(1) The state registrar or local custodian, ~~of vital records appointed by the state registrar to issue certified copies~~ upon receipt of a written application, shall issue:

(A) A ~~a~~ certified copy of a vital record in that registrar's or custodian's custody or abstract thereof to any applicant having a direct and tangible interest in the vital record~~, except that certified~~;

(B) Certified copies of voluntary acknowledgments of paternity as provided in subsection (e) of Code Section 19-7-46.1;

(C) Certified copies of voluntary acknowledgments of legitimation executed on or before June 30, 2015, to the same individuals and entities specified in subsection (e) of Code Section 19-7-46.1; and

(D) Certified copies of certificates ~~shall only be issued~~ to:

~~(A)~~(i) The person whose record of birth is registered;

~~(B)~~(ii) Either parent, guardian, or temporary guardian of the person whose record of birth or death is registered;

~~(C)~~(iii) The living legal spouse or next of kin, ~~or~~ the legal representative, or the person who in good faith has applied and produced a record of such application to become the legal representative of the person whose record of birth or death is registered;

~~(D)~~(iv) A ~~The~~ court of competent jurisdiction upon its order or subpoena; or

~~(E)~~(v) Any governmental agency, state or federal, provided that such certificate shall be needed for official purposes~~.~~; and

(2) Each certified copy issued shall show the date of registration and duplicates issued from records marked 'delayed' or 'amended' shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate of birth shall be shown on all duplicates issued. All forms and procedures used in the issuance of certified copies of vital records in this state shall be provided or approved by the state registrar."

SECTION 17.

This Act shall not be construed to affect a voluntary acknowledgment of legitimation that was valid under the former provisions of Code Section 19-7-21.1, nor any of the rights or responsibilities flowing therefrom, if it was executed on or before June 30, 2015.

SECTION 18.

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

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

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-2, Title 19, and Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, domestic relations, and vital records, respectively, so as to repeal voluntary acknowledgments of legitimation; to provide for conforming cross-references relating to the elimination of administrative legitimation; to provide for and revise definitions; to clarify provisions relating to judicial petitions for legitimation; to provide for witnesses to the signing of acknowledgments of paternity; to provide for access to signed acknowledgments of paternity and voluntary acknowledgments of legitimation; to change provisions relating to hospital programs for establishing paternity; to provide for a savings clause; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change provisions relating to when a judge, judicial officer, grand juror, or trial juror may be disqualified from presiding or serving, as applicable, due to being related by consanguinity or affinity to a party; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, is amended by revising paragraph (43) as follows:

"(43) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted ~~a~~ such child;

(B) Was married to the biological mother of ~~a~~ such child at the time such child ~~was conceived or~~ was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19;

(C) Married the legal mother of ~~a~~ such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19; or

~~(D) Has been determined to be the father of a child by a final paternity order pursuant to Article 3 of Chapter 7 of Title 19;~~

~~(E)~~(D) Has legitimated ~~a~~ such child by a final order pursuant to Code Section 19-7-22~~; or~~

~~(F) Has legitimated a child pursuant to Code Section 19-7-21.1~~."

SECTION 1-2.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by repealing in its entirety Code Section 19-7-21.1, relating to acknowledgment of legitimation.

SECTION 1-3.

Said title is further amended by revising Code Section 19-7-22, relating to the petition for legitimation of a child, requirements therefor, the effect of such, claims for custody or visitation, and third-party actions for legitimation, as follows:

"19-7-22.

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

(1) 'Biological father' means the male who impregnated the biological mother resulting in the birth of a child.

(2) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted such child;

(B) Was married to the biological mother of such child at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of this chapter;

(C) Married the legal mother of such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of this chapter; or

(D) Has legitimated such child pursuant to this Code section.

~~(a)~~(b) The biological ~~A~~ father of a child born out of wedlock may render his relationship with the child legitimate by petitioning the superior court of the county of the residence of the child's mother or other party having legal custody or guardianship of the child; provided, however, that if the mother or other party having legal custody or guardianship of the child resides outside ~~the~~ this state or cannot, after due diligence, be found within ~~the~~ this state, the petition may be filed in the county of the biological father's residence or the county of the child's residence. If a petition for the adoption of the child is pending, the biological father shall file the petition for legitimation in the county in which the adoption petition is filed.

~~(b)~~(c) A legitimation ~~The~~ petition shall set forth the name, age, and sex of the child, the name of the mother, and, if the biological father desires the name of the child to be changed, the new name. If the mother is alive, she shall be named as a party and shall be served and provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.' If there is a legal father who is not the biological father, he shall be named as a party by the petitioner and shall be served and provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

~~(c)~~(d) Upon the presentation and filing of ~~the~~ a legitimation petition, and after a hearing for which notice was provided to all interested parties, the court may ~~pass~~ issue an order declaring the biological father's relationship with the child to be legitimate, ~~and~~

~~that the~~ provided that such order is in the best interests of the child. If such order is issued, the biological father and child shall be capable of inheriting from each other in the same manner as if born in lawful wedlock ~~and specifying~~. Such order shall specify the name by which the child shall be known.

~~(d)~~(e) A legitimation petition may be filed, pursuant to Code Section 15-11-11, in the juvenile court of the county in which a dependency proceeding regarding the child is pending; provided, however, that if either parent has demanded a jury trial as to child support, that issue of the case shall be transferred to superior court for a jury trial. Such petition shall contain the same information and require the same service and opportunity to be heard as set forth in subsection (c) of this Code section. After a hearing, the juvenile court may issue the same orders as set forth in subsection (d) of this Code section.

~~(e)~~(f) A superior ~~Except as provided by subsection (f) of this Code section, the~~ court shall, ~~upon notice to the mother further establish such duty as the father may have to support the child, considering the facts and circumstances of the mother's obligation of support and the needs of the child~~ after notice and hearing, enter an order establishing the obligation to support a child as provided under Code Section 19-6-15.

~~(f) After a petition for legitimation is granted, if a demand for a jury trial as to support has been properly filed by either parent, then the case shall be transferred from juvenile court to superior court for such jury trial.~~

~~(f.1)~~(g) A ~~The petition for~~ legitimation petition may also include claims for visitation, parenting time, or custody. If such claims are raised in the legitimation action, the court may order, in addition to legitimation, visitation, parenting time, or custody based on the best interests of the child standard. In a case involving allegations of family violence, the provisions of paragraph (4) of subsection (a) of Code Section 19-9-3 shall also apply.

~~(g)(1)~~(h) In any petition to establish paternity pursuant to paragraph (4) of subsection (a) of Code Section 19-7-43, the alleged biological father's response may assert a third-party action for the legitimation of the child born out of wedlock if the alleged biological father is, in fact, the biological father. Upon the determination of paternity or if a voluntary acknowledgment of paternity has been made and has not been rescinded pursuant to Code Section 19-7-46.1, the court or trier of fact as a matter of law and pursuant to the provisions of Code Section 19-7-51 may enter an order or decree legitimating a child born out of wedlock, provided that such is in the best ~~interest~~ interests of the child. In determining the best interests of the child, the court should insure that the petitioning alleged biological father is, in fact, the biological father and may order the mother, the alleged father, and the child to submit to genetic testing in accordance with Code Section 19-7-45. Whenever a petition to establish the paternity of a child is brought by the Department of Human Services, issues of name change, visitation, and custody shall not be determined by the court until such time as a separate petition is filed by one of the parents or by the legal guardian of the child, in accordance with Code Section 19-11-8; if the petition to establish paternity is brought by a party other than the Department of Human Services or if the alleged biological

father seeks legitimation, the court may determine issues of name change, visitation, and custody in accordance with subsections ~~(b) and (f.1)~~ (c) and (g) of this Code section. Custody of the child shall remain in the mother unless or until a court order is entered addressing the issue of custody.

~~(2) In any voluntary acknowledgment of paternity which has been made and has not been rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely agree and consent, the child may be legitimated by the inclusion of a statement indicating a voluntary acknowledgment of legitimation.~~"

SECTION 1-4.

Said title is further amended by revising Code Section 19-7-25, relating to in whom parental power over a child born out of wedlock lies, as follows:

"19-7-25.

Only the mother of a child born out of wedlock is entitled to custody of the child, unless the father legitimates the child as provided in Code Section ~~19-7-21.1 or~~ 19-7-22. Otherwise, the mother may exercise all parental power over the child."

SECTION 1-5.

Said title is further amended by revising Code Section 19-7-27, relating to hospital program for establishing paternity, as follows:

"19-7-27.

(a) Except in the event of a medical emergency, prior to ~~Upon~~ the birth of a child to an unmarried woman in a public or private hospital, the hospital that provides ~~perinatal~~ labor and delivery services shall~~:~~

~~(1) Provide the child's mother and alleged father if he is present at the hospital the opportunity to acknowledge paternity consistent with the requirements of Code Section 19-7-46.1; and~~

~~(2) Provide~~ provide to the mother and alleged father:

~~(A)~~(1) Written materials about administratively establishing paternity ~~establishment~~;

~~(B)~~(2) The forms necessary to voluntarily acknowledge paternity;

~~(C)~~(3) A written description of the rights and responsibilities of voluntarily acknowledging paternity, the differences between paternity and legitimation, and the duty to support a child upon acknowledgment of paternity; and

~~(D)~~(4) The opportunity, prior to discharge from the hospital, to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about administratively establishing paternity ~~establishment~~ and the availability of judicial determinations of paternity.

(b) Providing the written materials describing rights and responsibilities shall not constitute the unlawful practice of law.

(c) After the birth of a child to an unmarried woman in a public or private hospital, the hospital that provides labor and delivery services shall:

(1) Provide the child's mother and alleged father if he is present at the hospital the opportunity to execute a voluntary acknowledgment of paternity consistent with the requirements of Code Section 19-7-46.1;
(2) File the signed voluntary acknowledgment of paternity with the State Office of Vital Records within 30 days of its execution; and
(3) Provide to the child's mother and alleged father copies of the signed voluntary acknowledgment of paternity."

SECTION 1-6.

Said title is further amended by revising subsection (d) of Code Section 19-7-43, relating to petition to establish paternity and genetic testing, as follows:

"(d) In any case in which the paternity of a child or children has not been established, ~~any party may make a motion for the court to~~ the court, either on its own motion or on the motion of any party, may order the mother, the alleged father, and the child or children to submit to genetic tests as specified in Code Section 19-7-45. Such motion, if made by a party, shall be supported by a sworn statement ~~(1)~~ alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties~~;~~ or ~~(2)~~ denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. Appropriate orders shall be issued ~~in accordance with the provisions of this article~~ by the court. The court shall grant ~~the~~ a party's motion unless it finds ~~good cause as defined by the federal Social Security Act or if other~~ a good excuse for noncooperation ~~is established~~."

SECTION 1-7.

Said title is further amended by revising Code Section 19-7-46.1, relating to name or social security number on birth certificate or other record as evidence of paternity and signed voluntary acknowledgment of paternity, as follows:

"19-7-46.1.

(a) The appearance of the name or social security account number of the father, entered with his written consent, on the certificate of birth or a certified copy of such certificate or records on which the name of the alleged father was entered with his written consent from the vital records department of another state or the registration of the father, entered with his written consent, in the putative father registry of this state, pursuant to subsection (d) of Code Section 19-11-9, shall constitute a prima-facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut such in a proceeding for the determination of paternity.

(b) When both the mother and father have signed a voluntary acknowledgment of paternity in the presence of a notary public or other witness swearing or affirming the statements contained in the acknowledgment are true and such acknowledgment is filed with the State Office of Vital Records within 30 days of its execution and ~~the acknowledgment~~ is recorded in the putative father registry established by subsection (d) of Code Section 19-11-9, the acknowledgment shall constitute a legal determination of

paternity, subject to the right of any signatory to rescind the acknowledgment prior to the date of the support order, any other order adjudicating paternity, or 60 days from the signing of the agreement, whichever is earlier. Recording such information in the putative father registry shall constitute a legal determination of paternity for purposes of establishing a future order for support~~, visitation privileges,~~ and other matters under Code Section 19-7-51. Acknowledgment of paternity shall establish the biological father, as such term is defined in Code Section 19-7-22, but shall not constitute a legal determination of legitimation pursuant to Code Section ~~19-7-21.1 or~~ 19-7-22.

(c) After the 60 day rescission period specified in subsection (b) of this Code section, the signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the person challenging the acknowledgment. The legal responsibilities of any signatory, including child support obligations, arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

(d) A copy of a signed voluntary acknowledgment of paternity shall be provided to any signatory upon request.

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

(A) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of Title 49.

(B) 'Legal custodian' shall have the same meaning as set forth in Code Section 15-11-2.

(C) 'Local custodian' shall have the same meaning as set forth in Code Section 31-10-1.

(D) 'State registrar' shall have the same meaning as set forth in Code Section 31-10-1.

(2) The state registrar or local custodian, upon receipt of a written application, shall issue a certified copy of voluntary acknowledgment of paternity in the state registrar's or local custodian's custody to:

(A) The person who signed such acknowledgment and his or her guardian or temporary guardian;

(B) The person whose paternity was acknowledged, if he or she is at least 18 years of age;

(C) The guardian, temporary guardian, or legal custodian of the person whose paternity was acknowledged;

(D) The living legal spouse or next of kin, the legal representative, or the person who in good faith has applied and produced a record of such application to become the legal representative of the person whose paternity is registered;

(E) A court of competent jurisdiction upon its order or subpoena;

(F) Any governmental agency, state or federal, provided that such certificate shall be needed for official purposes;

(G) A member in good standing of the State Bar of Georgia, provided that such certificate shall be needed for purposes of legal investigation on behalf of a client; and

(H) A child-placing agency, provided that such certificate shall be needed for official purposes."

SECTION 1-8.

Said title is further amended by revising Code Section 19-7-51, relating to order of support, visitation privileges, and other provisions, as follows:

"19-7-51.

The decree or order establishing paternity may contain any other provisions concerning the duty to support the child by periodic or lump sum payments~~, visitation privileges with the child~~ as provided in Code Section 19-6-15, or any other matter in the best ~~interest~~ interests of the child."

SECTION 1-9.

Said title is further amended by revising paragraph (6) of Code Section 19-8-1, relating to definitions relating to adoption, as follows:

"(6) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted ~~a~~ such child;

(B) Was married to the biological mother of ~~that~~ such child at the time ~~that~~ such child ~~was conceived or~~ was born or within the usual period of gestation, unless ~~such~~ paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of this title;

(C) Married the legal mother of ~~the~~ such child after ~~the~~ such child was born and recognized ~~the~~ such child as his own, unless ~~such~~ paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of this title; or

(D) Has legitimated ~~the~~ such child by a final order pursuant to Code Section 19-7-22~~; or~~

~~(E) Has legitimated the child pursuant to Code Section 19-7-21.1~~

~~and who has not surrendered or had terminated his rights to the child~~."

SECTION 1-10.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-4, relating to when surrender or termination of parental or guardian's rights is required, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 1-11.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-5, relating to surrender or termination of parental or guardian's rights when child to be adopted by a third party, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 1-12.

Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 19-8-7, relating to surrender or termination of parental or guardian's rights when child to be adopted by a relative, as follows:

"(D) The pre-birth surrender shall not be valid for use by a legal father as defined under paragraph (6) of Code Section 19-8-1 or for any man who has executed ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1."

SECTION 1-13.

Said title is further amended by revising subsection (c) of Code Section 19-8-9, relating to surrender of parental rights when legal mother puts up for adoption a child that she previously adopted herself, as follows:

"(c) If a legal mother has voluntarily and in writing surrendered all of her parental rights pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 and has not withdrawn her surrender within the ten-day period after signing as permitted by the provisions of subsection (b) of this Code section, she shall have no right or authority to sign ~~either a voluntary acknowledgment of legitimation pursuant to the provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or~~ a voluntary acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1 regarding the same child."

SECTION 1-14.

Said title is further amended by revising subsection (e) of Code Section 19-8-12, relating to notice to biological father, as follows:

"(e) When notice is to be given pursuant to subsection (b) of this Code section, it shall advise such biological father who is not the legal father that he loses all rights to the child and will neither receive notice nor be entitled to object to the adoption of the child unless, within 30 days of receipt of such notice, he files:

(1) A petition to legitimate the child pursuant to Code Section 19-7-22 ~~or an acknowledgment of legitimation pursuant to Code Section 19-7-21.1~~; and

(2) Notice of the filing of the petition to legitimate ~~or acknowledgment of legitimation~~ with the court in which the action under this Code section, if any, is pending and to the person who provided such notice to such biological father."

SECTION 1-15.

Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is amended by revising subsections (a) and (d) of Code Section 31-10-25, relating to disclosure of information contained in vital records, as follows:

"(a) To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital records, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any such record except as authorized by this chapter, Code Section 19-7-46.1, and ~~by~~ regulation or by order of a court of competent jurisdiction. Regulations adopted under this Code section shall provide for adequate standards of security and confidentiality of vital records. The provisions of this subsection shall not apply to court records or indexes of marriage licenses, divorces, and annulments of marriages filed as provided by law."

"(d) Information in vital records indicating that a birth occurred out of wedlock shall not be disclosed except as ~~provided by regulation or upon the~~ authorized by this chapter, Code Section 19-7-46.1, and regulation or by order of a court of competent jurisdiction."

SECTION 1-16.

Said chapter is further amended by revising subsection (a) of Code Section 31-10-26, relating to certified copies of vital records, issuance, and use for statistical purposes, as follows:

"(a) In accordance with Code Section 31-10-25 and the regulations adopted pursuant thereto:

(1) The state registrar or local custodian, ~~of vital records appointed by the state registrar to issue certified copies~~ upon receipt of a written application, shall issue:

(A) A ~~a~~ certified copy of a vital record in that registrar's or custodian's custody or abstract thereof to any applicant having a direct and tangible interest in the vital record~~, except that certified~~;

(B) Certified copies of voluntary acknowledgments of paternity as provided in subsection (e) of Code Section 19-7-46.1;

(C) Certified copies of voluntary acknowledgments of legitimation executed on or before June 30, 2015, to the same individuals and entities specified in subsection (e) of Code Section 19-7-46.1; and

(D) Certified copies of certificates ~~shall only be issued~~ to:

~~(A)~~(i) The person whose record of birth is registered;

~~(B)~~(ii) Either parent, guardian, or temporary guardian of the person whose record of birth or death is registered;

~~(C)~~(iii) The living legal spouse or next of kin, ~~or~~ the legal representative, or the person who in good faith has applied and produced a record of such application to become the legal representative of the person whose record of birth or death is registered;

~~(D)~~(iv) A ~~The~~ court of competent jurisdiction upon its order or subpoena; or

~~(E)~~(v) Any governmental agency, state or federal, provided that such certificate shall be needed for official purposes~~.~~; and

(2) Each certified copy issued shall show the date of registration and duplicates issued from records marked 'delayed' or 'amended' shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate of birth shall be shown on all duplicates issued. All forms and procedures used in the issuance of certified copies of vital records in this state shall be provided or approved by the state registrar."

SECTION 1-17.

This part of this Act shall not be construed to affect a voluntary acknowledgment of legitimation that was valid under the former provisions of Code Section 19-7-21.1, nor any of the rights or responsibilities flowing therefrom, if it was executed on or before June 30, 2015.

PART II
SECTION 2-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising paragraph (2) of subsection (a) of Code Section 15-1-8, relating to when a judge or judicial officer is disqualified, as follows:

"(2) Preside, act, or serve in any case or matter when such judge is related by consanguinity or affinity within the ~~sixth~~ third degree as computed according to the civil law to any party interested in the result of the case or matter; or"

SECTION 2-2.

Said title is further amended by revising Code Section 15-12-70, relating to disqualification for relationship to interested party, as follows:

"15-12-70.

All grand jurors in the courts of this state shall be disqualified to act or serve in any case or matter when such jurors are related by consanguinity or affinity to any party interested in the result of the case or matter within the ~~sixth~~ third degree as computed according to the civil law. Relationship more remote shall not be a disqualification."

SECTION 2-3.

Said title is further amended by revising subsection (a) of Code Section 15-12-135, relating to disqualification for relationship to interested party, as follows:

"(a) All trial jurors in the courts of this state shall be disqualified to act or serve in any case or matter when such jurors are related by consanguinity or affinity to any party interested in the result of the case or matter within the ~~sixth~~ third degree as computed according to the civil law. Relationship more remote shall not be a disqualification."

PART III
SECTION 3-1.

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, by substitute.

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

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
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
Y Beasley-Teague	Y Dickson	N 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	Y Howard	Y Peake	N Strickland
Y Bentley	Y Dudgeon	Hugley	Y Petrea	Y Tankersley
E Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y 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	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	N Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E 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	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 5.

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

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

SB 127. By Senators Jeffares of the 17th, Harbison of the 15th, Harper of the 7th, Williams of the 19th, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to provide for waivers of certain civil penalties and fees incurred by candidates for local elected office; to provide for exceptions; to provide for refunds of certain civil penalties and fees; to provide for legislative findings; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 127

The Committee of Conference on SB 127 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 127 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Dean Burke
Senator, 11th District

/s/ Rick Jeffares
Senator, 17th District

/s/ William T. Ligon, Jr.
Senator, 3rd District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Barry A. Flemming
Representative, 121st District

/s/ Rynders
Representative, 152nd District

/s/ Hamilton
Representative, 24th District

A BILL TO BE ENTITLED
AN ACT

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide that no person shall be eligible for or shall qualify for party nomination for or election to public office if such person or such person's campaign committee from a previous primary or election has certain outstanding late fees, fines, or penalties under the Ethics in Government Act; to provide for exceptions; to require notice of write-in candidacy filings to include an authorization by the candidate if such filings are not done by the candidate; to eliminate references to municipal registrars; to revise certain terminology; to revise certain forms of proof of citizenship; to provide for the dissemination of certain voter registration information; to provide for the updating of municipal maps to the board of registrars; to provide for the transfer of voter registration to another county in certain circumstances; to provide for the provision of absentee ballots without additional request in certain circumstances; to revise the information required on absentee ballot envelopes; to revise the reporting requirements for a pilot project for electronic handling of absentee ballots; to clarify assistance in voting procedures; to regulate certain activities within and within close proximity to polling places; to clarify the procedures for use of provisional ballots; to provide definitions; to provide for waivers of certain civil penalties and fees incurred by candidates for local elected office; to provide for exceptions; to provide for refunds of certain civil penalties and fees; 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.

Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections, is amended in Code Section 21-2-8, relating to eligibility for party nomination, public office, or performance of certain official acts of persons convicted and sentenced for certain crimes, illegally holding any public funds, and effect of disqualification of superintendent, by designating the existing text as subsection (a) and adding a new subsection to read as follows:

"(b)(1) No person shall be eligible as a candidate for party nomination for or election to a public office as defined in subparagraphs (A), (B), (C), or (D) of paragraph (22) of Code Section 21-5-3 if such person or such person's campaign committee has outstanding late fees, fines, or penalties from any previous primary or election pursuant to paragraph (14) of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or subsection (k) of Code Section 21-5-34 which have become final and from which no appeal is pending. However, if a person who qualifies for party nomination for or election to a public office or such person's campaign committee has any such outstanding late fees, fines, or penalties from any previous primary or election pursuant to paragraph (14) of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or subsection (k) of Code Section 21-5-34 which have become final and from which no appeal is pending, such person shall not be subject to disqualification from seeking such nomination or office unless such person is given

written notification by the Secretary of State of the existence of such outstanding late fees, fines, or penalties and such candidate does not within ten calendar days following such notice pay such fees, fines, or penalties in full.

(2) On and after January 1, 2017, no person shall be eligible as a candidate for party nomination for or election to a public office as defined in subparagraphs (F) or (G) of paragraph (22) of Code Section 21-5-3 if such person or such person's campaign committee has outstanding late fees, fines, or penalties from any previous primary or election pursuant to paragraph (14) of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or subsection (k) of Code Section 21-5-34 which have become final and from which no appeal is pending. However, if a person who qualifies for party nomination for or election to a public office or such person's campaign committee has any such outstanding late fees, fines, or penalties from any previous primary or election pursuant to paragraph (14) of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or subsection (k) of Code Section 21-5-34 which have become final and from which no appeal is pending, such person shall not be subject to disqualification from seeking such nomination or office unless such person is given written notification by the election superintendent of the existence of such outstanding late fees, fines, or penalties and such candidate does not within ten calendar days following such notice pay such fees, fines, or penalties in full."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 21-2-133, relating to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy, and certification of candidates, as follows:

"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election for county, state, and federal elections; no later than seven days after the close of the qualifying period for nonpartisan elections in the case of nonpartisan elections for state or county offices; no later than seven days after the close of the municipal qualifying period for municipal elections in the case of a general election; or no later than seven days after the close of the special election qualifying period for a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

(1) In a state general or special election, notice shall be filed with the Secretary of State and published in a newspaper of general circulation in the state;

(2) In a general or special election of county officers, notice shall be filed with the superintendent of elections in the county in which he or she is to be a candidate and published in the official organ of the same county; or

(3) In a municipal general or special election, notice shall be filed with the superintendent and published in the official gazette of the municipality holding the election.

In the event that such intention of candidacy is filed and published by a person or group of persons other than the candidate, such person or group of persons shall also file a written, notarized authorization by the candidate for such filing and publication."

SECTION 3.

Said title is further amended by revising subsection (c) of Code Section 21-2-212, relating to county registrars; appointment, certification, term of service, vacancies, compensation, and expenses of chief registrar, registrars, and other officers and employees; and budget estimates, as follows:

"(c) ~~The governing authority of each municipality shall appoint registrars as necessary, and the appointments shall be entered on the minutes of such governing authority. The municipal governing authority shall designate one of the registrars as chief registrar. The chief registrar will serve as such during such registrar's term of office, and such designation shall likewise be entered on the minutes of such governing authority. Such registrars shall serve at the pleasure of the municipal governing authority, and compensation of the registrars shall be fixed by such governing authority. Any registrar shall have the right to resign at any time by submitting a resignation to such governing authority. In the event of any such removal or resignation of a registrar, such registrar's duties and authority as such shall terminate instantly. Successors to resigned registrars shall be appointed by the municipal governing authority. Each appointment or change in designation shall be entered on the minutes of such governing authority and certified by the governing authority. The municipal governing authority may furnish such employees and facilities as it deems necessary for the operation of the office and the affairs of the registrars~~ Reserved."

SECTION 4.

Said title is further amended by revising Code Section 21-2-214, relating to qualifications of registrars and deputy registrars, prohibited political activities, oath of office, privilege from arrest, and duties conducted in public, as follows:

"21-2-214.

(a) Members of the board of registrars shall be electors of ~~the~~ this state and the county in which they serve, and any deputy registrars shall be electors of ~~the~~ this state. All registrars shall be able to read, write, and speak the English language. ~~Municipal registrars shall be registered Georgia voters and shall be able to read, write, and speak the English language.~~ Registrars and deputy registrars shall have never been convicted of a felony involving moral turpitude unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude and shall never have been convicted of a crime involving fraud, and the appointing authority shall be authorized to investigate the applicant's criminal history before making such appointment.

(b) The office of a member of a county ~~or municipal~~ board of registrars, a deputy registrar, member of a county or municipal board of elections or county or municipal

board of elections and registration, or a member of a joint county-municipal board of elections or joint county-municipal board of elections and registration shall be vacated immediately upon such officer's qualifying for any nomination or office to be voted for at a primary or election or qualifying for any nomination or office or qualifying to have such officer's name placed on any primary or election ballot pursuant to Code Sections 21-2-132 and 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided, however, that this Code section shall not apply to a chief deputy registrar who is also an elected public officer and who seeks to qualify for reelection to the public office such chief deputy registrar is presently holding. Nothing contained in this Code section shall cause the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar, member of a county or municipal board of elections or county or municipal board of elections and registration, or a member of a joint county-municipal board of elections or joint county-municipal board of elections and registration to be vacated upon qualifying for or having such officer's name placed on the ballot or holding office in a political party or body or serving as a presidential elector.

(c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of a county or municipal board of elections or county or municipal board of elections and registration, or a member of a joint county-municipal board of elections or joint county-municipal board of elections and registration, while conducting the duties of such person's office, shall engage in any political activity on behalf of a candidate, political party or body, or question, including, but not limited to, distributing campaign literature, engaging in any communication that advocates or criticizes a particular candidate, officeholder, or political party or body, and wearing badges, buttons, or clothing with partisan messages.

(d) Before entering upon the duties of office, each registrar and deputy registrar shall take the following oath before some officer authorized to administer oaths under the laws of this state:

'I do solemnly swear that I will faithfully and impartially discharge, to the best of my ability, the duties imposed upon me by law as (deputy) registrar.'

(e) Registrars, deputy registrars, election superintendents, and poll officers shall be privileged from arrest upon days of primaries and elections, except for fraudulent misconduct of duty, felony, larceny, or breach of the peace.

(f) The registrars shall conduct their duties in public, and all hearings on the qualifications of electors shall be conducted in public."

SECTION 5.

Said title is further amended by revising paragraph (2) of subsection (g) of Code Section 21-2-216, relating to qualifications of electors generally, reregistration of electors purged from list, eligibility of nonresidents who vote in presidential elections, retention of qualification for standing as elector, evidence of citizenship, and check of convicted felons and deceased persons databases, as follows:

"(2) Satisfactory evidence of citizenship shall include any of the following:

(A) The number of the applicant's Georgia driver's license or identification card issued by the Department of Driver Services if the applicant has provided satisfactory evidence of United States citizenship to the Department of Driver Services or a legible photocopy of the applicant's driver's license or identification card issued by an equivalent government agency of another state if the agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency;

(B) A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the board of registrars;

(C) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the board of registrars of the applicant's United States passport;

(D) A presentation to the board of registrars of the applicant's United States naturalization documents or the alien registration number from the applicant's naturalization documents. If only the applicant's alien registration number is provided, the applicant shall not be found eligible to vote until the applicant's alien registration number is verified with the United States Citizenship and Immigration Services by the board of registrars;

(E) Other documents or methods of proof that are established pursuant to the federal Immigration Reform and Control Act of 1986 (P. L. 99-603);

(F) ~~The~~ A legible photocopy of the applicant's Bureau of Indian Affairs card ~~number~~, tribal treaty card ~~number~~, or tribal enrollment ~~number~~ card that verifies citizenship to the satisfaction of the board of registrars; and

(G) For residents of this state who are United States citizens but are not in possession of any of the documents or methods of proof enumerated under subparagraphs (A) through (F) of this paragraph, other documents or methods of proof for establishing evidence of United States citizenship which shall be promulgated by rule and regulation of the State Election Board."

SECTION 6.

Said title is further amended by revising subsection (e) of Code Section 21-2-224, relating to registration deadlines, restrictions on voting in primaries, official list of electors, and voting procedure when portion of county changed from one county to another, as follows:

"(e) The county board of registrars shall deliver to ~~the chief registrar of~~ the municipality, upon a basis mutually agreed upon between the county board of registrars and the governing authority of the municipality, a copy of the list of electors for the municipality for the primary or election. Such list shall be delivered not earlier than the fifth Monday prior to a primary or election and not later than 21 days prior to such primary or election for the purpose of permitting the ~~chief registrar of the~~ municipality to check the accuracy of the list. The ~~municipal registrar~~ municipality shall, upon receipt of the county registration list, or as soon as practicable thereafter but in no event later than five days prior to such primary or election, review such list and identify in

writing to the county board of registrars any names on the electors list of persons who are not qualified to vote at such primary or election, stating the reason for disqualification. The county board of registrars shall challenge the persons identified in accordance with Code Section 21-2-228. In addition, the county board of registrars shall provide a list of inactive electors for the municipality. The ~~municipal registrar~~ municipality shall certify such lists and file with the city clerk a copy showing the names of electors entitled to vote at such primary or election."

SECTION 7.

Said title is further amended by revising subsection (b) of Code Section 21-2-225, relating to confidentiality of original registration applications, limitations on registration data available for public inspection, and data made available by Secretary of State, as follows:

"(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article shall be available for public inspection with the exception of bank statements submitted pursuant to subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, the month and day of birth, the social security numbers, e-mail addresses, and driver's license numbers of the electors, and the locations at which the electors applied to register to vote, which shall remain confidential and shall be used only for voter registration purposes; provided, however, that any and all information relating to the dates of birth, social security numbers, and driver's license numbers of electors may be made available to other agencies of this state, to agencies of other states and territories of the United States, and to agencies of the federal government if the agency is authorized to maintain such information and the information is used only to identify the elector on the receiving agency's data base ~~and is not disseminated further~~ and remains confidential. Information regarding an elector's year of birth shall be available for public inspection."

SECTION 8.

Said title is further amended by revising subsection (c) of Code Section 21-2-226, relating to duties of county board in determining eligibility of voters, maps of municipal boundaries, notice of ineligibility, issuance of registration cards, and reimbursement for postage cost, as follows:

"(c) It shall be the duty of each incorporated municipality located wholly or partially within the boundaries of a county to provide a detailed map showing the municipal boundaries, municipal precinct boundaries, and voting district boundaries to the county board of registrars no later than January 1, 1995, and within 15 days after ~~the preclearance of any changes in such municipal boundaries, precinct boundaries, or voting district boundaries pursuant to Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973c), as amended~~ any subsequent changes to such boundaries. Upon receiving any changes in municipal boundaries, the county board of registrars shall provide to the ~~municipal registrar~~ municipality a list of all voters

affected by such changes with the street addresses of such electors for the purpose of verifying the changes with the municipality. Upon receiving the list of electors affected by changes in municipal boundaries, the ~~municipal registrar~~ municipality shall immediately review the information provided by the county registrars and advise the county registrars of any discrepancies."

SECTION 9.

Said title is further amended by revising subsection (d) of Code Section 21-2-233, relating to comparison of change of address information supplied by United States Postal Service with electors list, removal from list of electors, and notice to electors, as follows:

"(d) Whenever an elector's name is removed from the list of electors by the county registrars because the elector has furnished in writing to the registrar a residence address that is located outside of the State of Georgia, the registrars shall notify the elector in writing at the elector's new address that the elector's name is being deleted from the list of electors. Whenever an elector's registration is transferred by the county registrars to another county in this state because the elector has furnished in writing to the registrar a residence address that is located in this state outside of the elector's present county of registration in accordance with subsection (c) of this Code section, the registrars of the county of the elector's former residence shall notify the elector in writing at the elector's new address that the elector's registration is being transferred to the new address. The registrars of the county of the elector's new address shall provide the elector with a new ~~registration~~ precinct card pursuant to Code Section 21-2-226."

SECTION 10.

Said title is further amended by revising subsection (d) of Code Section 21-2-234, relating to electors who have failed to vote and with whom there has been no contact in three years, confirmation notice requirements and procedure, and time for completion of list maintenance activities, as follows:

"(d) If the elector returns the card and shows that he or she has changed residence to a place outside of the State of Georgia, the elector's name shall be removed from the appropriate list of electors. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is currently registered, ~~the elector's name shall be removed from the appropriate list of electors and information shall be sent to the elector explaining how the elector can continue to be eligible to vote~~ but still within the State of Georgia, the elector's registration shall be transferred to the new county or municipality. The Secretary of State or the registrars shall forward the confirmation card to the registrars of the county in which the elector's new address is located, and the registrars of the county of the new address shall update the voter registration list to reflect the change of address."

SECTION 11.

Said title is further amended by revising Code Section 21-2-380.1, relating to appointment of absentee ballot clerk, as follows:

"21-2-380.1.

The governing authority of a municipality shall appoint an absentee ballot clerk who may be the county registrar~~, municipal registrar,~~ or any other designated official and who shall perform the duties set forth in this article."

SECTION 12.

Said title is further amended by revising subparagraph (a)(1)(G) of Code Section 21-2-381, relating to making of application for absentee ballot, determination of eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons entitled to make application, as follows:

"(G) Any elector meeting criteria of advanced age or disability specified by rule or regulation of the State Election Board or any elector who is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application a ballot for a presidential preference primary held pursuant to Article 5 of this chapter and for a primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates as well as any runoffs resulting therefrom. If not so requested by such person, a separate and distinct application shall be required for each primary, run-off primary, election, and run-off election. Except as otherwise provided in this subparagraph, a separate and distinct application for an absentee ballot shall always be required ~~for the presidential preference primary held pursuant to Article 5 of this chapter and~~ for any special election or special primary."

SECTION 13.

Said title is further amended by revising paragraph (1) of subsection (c) of Code Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting absentee electors, master list of ballots sent, challenges, and electronic transmission of ballots, as follows:

"(c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially the following form:

I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of the State of Georgia; that my residence address is _____ County, Georgia, for voting purposes; that I possess the qualifications of an elector required by the laws of the State of Georgia; that I am entitled to vote in the precinct containing my residence in the primary or election in which this ballot is to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I mark or mail another absentee ballot for voting in such primary or election; nor shall I vote therein in person; and that I have read and understand the instructions accompanying this ballot; and that I have carefully complied with such instructions in completing this ballot. I understand that the offer or acceptance of money or any other object of value to vote for any particular

candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.

_____
Elector's Residence
Address for Voting Purposes

_____
~~Month and Day~~ Year of
Elector's Birth

_____
Signature or Mark of Elector

Oath of Person Assisting Elector (if any):

I, the undersigned, do swear (or affirm) that I assisted the above-named elector in marking such elector's absentee ballot as such elector personally communicated such elector's preference to me; and that such elector is entitled to receive assistance in voting under provisions of subsection (a) of Code Section 21-2-409.

This, the _____ day of _____, _____.

_____
Signature of Person Assisting
Elector – Relationship

Reason for assistance (Check appropriate square):

( ) Elector is unable to read the English language.

( ) Elector requires assistance due to physical disability.

The forms upon which such oaths are printed shall contain the following information:

Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, election, or runoff in which there is no federal candidate on the ballot.

Georgia law further provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony."

SECTION 14.

Said title is further amended by revising subsections (e) and (f) of Code Section 21-2-387, relating to pilot program for electronic handling of absentee ballots, requirements for pilot program, reporting, and termination of pilot program, as follows:

"(e) The Secretary of State shall review the results of the pilot program and shall provide the members of the General Assembly with a comprehensive report no later than 90 days following the ~~primary or general~~ election cycle in which such pilot program is used on the effectiveness of such pilot program with any recommendations

for its continued use and any needed changes in such program for future ~~primaries and~~ elections.

(f) The pilot program shall be used in the first ~~primary or general~~ election cycle following:

(1) The inclusion in the Appropriations Act of a specific line item appropriation for funding of such pilot program or a determination by the Secretary of State that there is adequate funding through public or private funds, or a combination of public and private funds, to conduct the pilot program; provided, however, that no funds shall be accepted from registered political parties or political bodies for this purpose; and

(2) Certification by the Secretary of State that such pilot program is feasible and can be implemented for such ~~primary or general~~ election."

SECTION 15.

Said title is further amended by revising subsection (b) of Code Section 21-2-409, relating to assisting electors who cannot read English or who have disabilities, as follows:

"(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except such elector's employer or agent of that employer or officer or agent of such elector's union to enter the voting compartment or booth with him or her to assist in voting, such assistance to be rendered inside the voting compartment or booth.

(2) In all other elections, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select:

(A) Any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or

(B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive assistance

to enter the voting compartment or booth with him or her to assist in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist, under this paragraph, more than ten such electors in any primary, election, or runoff covered by this paragraph. No person whose name appears on the ballot as a candidate at a particular election nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of that candidate shall offer assistance during that particular election under the provisions of this ~~Code section~~ paragraph to any voter who is not related to such candidate. For the purposes of this paragraph, 'related to such candidate' shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law."

SECTION 16.

Said title is further amended by revising subsections (a) and (c) of Code Section 21-2-414, relating to restrictions on campaign activities and public opinion polling within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates from entering certain polling places, and penalty, as follows:

"(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind, nor shall any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters, nor shall any person establish or set up any voter information or assistance tables, booths, or stations on any day in which ballots are being cast:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

(2) Within any polling place; or

(3) Within 25 feet of any voter standing in line to vote at any polling place.

These restrictions shall not apply to conduct occurring in private offices or areas which cannot be seen or heard by such electors."

"(c) ~~Reserved~~ Except for credentialed poll watchers, poll workers, and law enforcement officers, poll officers may manage the number of persons allowed in the polling place to prevent confusion, congestion, and inconvenience to voters."

SECTION 17.

Said title is further amended by revising subsection (a) of Code Section 21-2-418, relating to provisional ballots, as follows:

"(a) If a person presents himself or herself at a polling place, absentee polling place, or registration office in his or her county of residence in this state for the purpose of casting a ballot in a primary or election ~~believing~~ stating a good faith belief that he or she has timely registered to vote in that county for such primary or election and the person's name does not appear on the list of registered electors, the person shall be entitled to cast a provisional ballot in his or her county of residence in this state as provided in this Code section."

SECTION 18.

Said title is further amended by revising subsection (c) of Code Section 21-2-500, relating to delivery of voting materials, presentation to grand jury in certain cases, preservation and destruction, and destruction of unused ballots, as follows:

"(c) Immediately upon completing the returns required by this article, the municipal superintendent shall deliver in sealed containers to the city clerk the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the municipal superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and

similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county ~~or municipal~~ registrar as appropriate."

SECTION 19.

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

"21-5-7.2.

(a) Upon written request of a candidate with regard to filings required by this chapter between January 1, 2010, and January 10, 2014, or in a response by the candidate to any notification from the commission alleging noncompliance with the provisions of this chapter for filings required between January 1, 2010, and January 10, 2014, the commission shall be authorized to waive late fees, fines, and civil penalties incurred by candidates for public office for those offices defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3 regarding the late, incomplete, or nonfiling of campaign disclosure reports and personal financial disclosure reports. Such request or response shall be filed not later than December 31, 2015.

(b) For candidates for public office for those offices defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3 who paid late fees, fines, or civil penalties between January 1, 2014, and the effective date of this Code section based upon alleged noncompliance with the provisions of this chapter for filings required between January 1, 2010, and January 10, 2014, such candidates may make a written request to the commission for a waiver under this Code section, and, if granted, the commission, subject to appropriation, shall refund such late fees, fines, and civil penalties to the candidate. Such request shall be filed not later than December 31, 2015.

(c) With regard to filings which were required under this chapter during the period between January 1, 2010, and January 10, 2014, there shall be a rebuttable presumption that a candidate for a public office defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3 timely filed or attempted to file the required reports but was unable to do so as a result of the problems with the commission's computer system during such time period, provided that such candidate files an affidavit with the commission that such candidate made or attempted to make such filings. Such rebuttable presumption may be overcome by proof by clear and convincing evidence that such candidate failed to file the required report during such period.

(d) With regard to filings which were required under this chapter during the period between January 1, 2010, and January 10, 2014, there shall be a waiver of all fines, penalties, and fees for a candidate for public office for those offices defined in

subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, provided that such candidate files an affidavit with the commission not later than December 31, 2015, stating that such candidate did not accept a combined total of contributions exceeding $2,500.00 for the election cycle for which such fines, penalties, or fees were incurred and did not make a combined total of expenditures exceeding $2,500.00 for the election cycle for which such fines, penalties, and fees were incurred.

(e) The commission shall approve or deny each request for waiver within nine months after receipt of the request by the commission. If such request for a waiver is denied, the candidate may, within 30 days following the candidate's receipt of notice of the denial, demand a hearing on such request for a waiver before the Office of State Administrative Hearings.

(f) In the event that the commission grants a waiver under this Code section and within two years following the effective date of this Code section determines by clear and convincing evidence that the person to whom such waiver was granted failed to file the report or reports for which such waiver was granted or that the affidavit submitted under subsection (d) of this Code section was false, the commission may revoke such waiver, reimpose all such late fees, fines, and penalties, and take such further actions as the commission is authorized to do as if such waiver had never been granted.

(g) If the commission grants a waiver under this Code section or the statute of limitations has run on a violation or failure to file reports, the commission shall remove the name of the person for whom the waiver is granted from its web page listing of persons who owe late fees, fines, or penalties for all matters covered by such waiver.

(h) The commission shall promulgate rules and regulations for the consideration of the waivers authorized by this Code section not later than 60 days following its effective date.

(i) The commission shall not require a person requesting a waiver to perform any additional acts or make any additional filings as a condition of receiving such waiver."

SECTION 20.

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

SECTION 21.

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

Representative Fleming of the 121st moved that the House adopt the report of the Committee of Conference on SB 127.

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

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

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

On the motion, the ayes were 164, nays 4.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House amendments to the Senate substitutes to the following bill of the House:

HB 72. By Representatives Willard of the 51st, Jones of the 47th, Abrams of the 89th, Cooper of the 43rd, Hugley of the 136th and others:

A BILL to be entitled an Act to amend Title 16, Article 1 of Chapter 8 of Title 17, Chapter 5 of Title 30, and Title 31 of the O.C.G.A., relating to crimes and

offenses, general provisions for trial, protection of disabled adults and elder persons, and health, respectively, so as to expand and clarify protection of disabled adults and elder persons; to provide for and revise definitions; to repeal provisions relating to exclusion of evidence obtained during the execution of an inspection warrant; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 152. By Representatives Duncan of the 26th, Dudgeon of the 25th, Tankersley of the 160th, Martin of the 49th, Frye of the 118th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 3 of the O.C.G.A., relating to the regulation of alcoholic beverages generally, so as to impose certain requirements upon holders of certain alcohol licenses and those who issue such licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 266. By Representative Battles of the 15th:

A BILL to be entitled an Act to amend Code Section 47-1-12 of the Official Code of Georgia Annotated, relating to investment and reinvestment of assets of local retirement system, valuation and limitation on investments, and duties of the state auditor, so as to correct certain provisions relative to the investment authority of local retirement systems; to repeal conflicting laws; and for other purposes.

HB 428. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to extend a sales tax exemption for materials to be used in certain construction projects of zoological institutions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

SB 194. By Senators Jeffares of the 17th, Millar of the 40th, Watson of the 1st, Burke of the 11th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions regarding pharmacists and pharmacies, so as to provide that certain provisions of law regarding pharmacists and pharmacies shall not apply to a facility engaged solely in the distribution of dialysate, drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease, provided that certain criteria are met; to provide for related matters; 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 99. By Senators Kennedy of the 18th, McKoon of the 29th, Jones of the 25th, Bethel of the 54th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of proceedings, so as to change provisions relating to reversal on appeal when a judge expresses an opinion regarding proof in a criminal case or as to the accused's guilt; 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 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of proceedings, so as to change provisions relating to reversal on appeal when a judge expresses an opinion regarding proof in a criminal case or as to the accused's guilt; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of proceedings, is amended by revising Code Section 17-8-57, relating to expression or intimation of opinion by judge as to matters proved or guilt of accused, as follows:

"17-8-57.

(a)(1) It is error for any judge, during any phase of ~~in~~ any criminal case, ~~during its progress or in his charge to the jury,~~ to express or intimate ~~his~~ to the jury the judge's opinion as to ~~what~~ whether a fact at issue has or has not been proved or as to the guilt of the accused.

(2) Any party who alleges a violation of paragraph (1) of this subsection shall make a contemporaneous objection and inform the court of the specific objection and the grounds for such objection, outside of the jury's hearing and presence. After such objection has been made, and if it is sustained, it shall be the duty of the court to give a curative instruction to the jury or declare a mistrial, if appropriate.

(b) Failure to make a contemporaneous objection to an alleged violation of paragraph (1) of subsection (a) of this Code section shall preclude appellate review, unless such violation constitutes plain error which affects substantive rights of the parties. Plain error may be considered on appeal even when a contemporaneous objection informing the court of the specific objection was not made, so long as such error affects substantive rights of the parties.

(c) Should any judge ~~violate this Code section, the violation shall be held by the Supreme Court or Court of Appeals to be error and the decision in the case reversed, and a new trial granted in the court below with such directions as~~ express an opinion as to the guilt of the accused, the Supreme Court or Court of Appeals ~~may lawfully give~~ or the trial court in a motion for a new trial shall grant a new trial."

SECTION 2.

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

The following amendment was read and adopted:

Representative Pak of the 108th et al. offer the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to SB 99 (LC 29 6638S) by replacing "contemporaneous" *with* "timely" *on lines 16 and 23.*

By replacing line 20 with the following:

(b) Except as provided in subsection (c) of this Code section, failure to make a timely objection to an alleged violation of paragraph (1)

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	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y 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	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
E Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	E Taylor, T
E 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E 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 LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E 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	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 169, nays 0.

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

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

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

SB 89. By Senators Albers of the 56th, Beach of the 21st, Hufstetler of the 52nd, Black of the 8th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to textbooks for elementary and secondary education, so as to require instructional materials and content to be in digital or electronic format after a certain date; to require local boards of education to provide wireless electronic devices for students to access instructional materials and content; to revise provisions for purposes of conformity; to provide for a short title; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 203. By Senator Hill of the 6th:

A BILL to be entitled an Act to amend Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary of State, so as create the Georgia World War I Centennial Commission; to provide for the membership, powers and duties, expense reimbursement, and operations of the commission; to provide for administrative assignment of the commission to the office of the Secretary of State and legal services by the Attorney General; to provide for the purpose of the commission; to authorize the solicitation, receipt, and expenditure of appropriations and donations; to provide for reports; 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 132. By Senators Dugan of the 30th, Tippins of the 37th, Millar of the 40th, Tate of the 38th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise provisions relating to the program for high school students to attend postsecondary institutions; to provide for a short title; to provide a program for eligible students to take dual credit courses; to repeal a statute relating to dual credit courses; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 308. By Representatives Stephens of the 164th, Peake of the 141st and Harbin of the 122nd:

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, computation, rate, and exemptions from state income taxes, so as to revise the tax credit for the rehabilitation of historic structures; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 111. By Senators Stone of the 23rd, Jeffares of the 17th, Jones of the 25th, Hufstetler of the 52nd, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Chapter 45 of Title 33 of the Official Code of Georgia Annotated, relating to continuing care providers and facilities, so as to define certain terms; to provide for a provider to offer continuing care at home; to repeal conflicting laws; and for other purposes.

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

HB 511. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize pharmacy technicians to fill remote automated medication systems in skilled nursing facilities and hospices; to provide for certain requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor

carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 100

The Committee of Conference on SB 100 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 100 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Tyler Harper Senator, 7th District	/s/ Carl Rogers Representative, 29th District
/s/ Ben Watson Senator, 1st District	/s/ Kevin Tanner Representative, 9th District
/s/ Ross Tolleson Senator, 20th District	/s/ Greene Representative, 151st District

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages generally, so as to repeal certain provisions for driver's license suspensions not directly related to traffic safety; to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Support Recovery Act, so as to require certain notifications to delinquent obligors; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise certain reporting requirements by the Department of Education to the Department of Driver Services; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to revise provisions regarding licensing for the operation of motor vehicles and the operation of motor vehicles; to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor

vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for the dissemination of certain information by the Department of Driver Services; to provide for participation in an anatomical gift donation program when obtaining a personal identification card through the department; to provide for the designation of such participation on personal identification cards; to provide for the dissemination of identifying information for applicants making such election; to repeal certain provisions for driver's license suspensions not directly related to traffic safety; to provide for a waiver of the application fee for instruction permits in certain instances; to provide for legislative findings; to provide for the use of paper eye charts for the testing of noncommercial driver's vision; to provide for the issuance of limited driving permits to noncommercial drivers in certain instances; to change provisions relating to a plea of nolo contendere; to prohibit the offering of items of monetary value for the enrollment of students by any driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the department; to allow photographs on drivers' licenses and identification cards to be in black and white; to provide for the conditions under which limited driving permits shall be issued; to allow photographs on drivers' licenses and identification cards to be in black and white; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding the regulation of alcoholic beverages generally, is amended in Code Section 3-3-23.1, relating to procedure and penalties upon violation of Code Section 3-3-23, by revising paragraph (3) of subsection (b) as follows:

"~~(3) In addition to any other penalty provided for in paragraphs (1) and (2) of this subsection, the driver's license of any person convicted of attempting to purchase an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23 upon the first conviction shall be suspended for six months and upon the second or subsequent conviction shall be suspended for one year.~~"

PART II
SECTION 2-1.

Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Support Recovery Act, is amended in Code Section 19-11-9.3, relating to suspension or denial of license for noncompliance with child support order, interagency agreements, and report to General Assembly, by adding a new subsection to read as follows:

"(p) The department shall inform delinquent obligors of resources available which may remedy such delinquent obligor's license suspension."

PART III
SECTION 3-1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising subsection (f) of Code Section 20-2-320, relating to the Education Information Steering Committee, identification of data to implement the Quality Basic Education Program, and the state-wide comprehensive educational information network, as follows:

"(f) Notwithstanding any other provision of law, the Department of Education is authorized to and shall obtain and provide to the Department of ~~Public Safety~~ Driver Services, in a form to be agreed upon between the Department of Education and the Department of ~~Public Safety~~ Driver Services, enrollment, ~~attendance~~ expulsion, and suspension information regarding minors 15 through 17 years of age reported pursuant to Code Sections 20-2-690 and 20-2-697, to be used solely for the purposes set forth in subsection (a.1) of Code Section 40-5-22."

SECTION 3-2.

Said chapter is further amended by revising paragraph (5) of subsection (b) and paragraph (6) of subsection (c) of Code Section 20-2-690, relating to educational entities and requirements by private schools and home study programs, as follows:

"(5) Within 30 days after the beginning of each school year, it shall be the duty of the administrator of each private school to provide to the school superintendent of each local public school district which has residents enrolled in the private school a list of the name, age, and residence of each resident so enrolled. At the end of each school month, it shall be the duty of the administrator of each private school to notify the school superintendent of each local public school district of the name, age, and residence of each student residing in the public school district who enrolls or terminates enrollment at the private school during the immediately preceding school month. Such records shall indicate when attendance has been suspended and the grounds for such suspension. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~ enrollment by the Department of Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22; and"

"(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of ~~attendance~~ enrollment by the Department of

Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance;"

SECTION 3-3.

Said chapter is further amended by revising subsection (g) of Code Section 20-2-690.2, relating to the establishment of student attendance protocol committee, membership and protocol, summary of penalties for failure to comply, and reporting, as follows:

"(g) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for children in need of services and possible denial ~~or suspension~~ of a driver's license for a child in accordance with Code Section 40-5-22."

SECTION 3-4.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-697, relating to cooperation of principals and teachers in public schools with visiting teachers and attendance officers, attendance reports and records kept by public schools, and letter indicating enrollment, as follows:

"(a) Visiting teachers and attendance officers shall receive the cooperation and assistance of all teachers and principals of public schools in the local school systems within which they are appointed to serve. It shall be the duty of the principals or local school site administrators and of the teachers of all public schools to report, in writing, to the visiting teacher or attendance officer of the local school system the names, ages, and residences of all students in attendance at their schools and classes within 30 days after the beginning of the school term or terms and to make such other reports of attendance in their schools or classes as may be required by rule or regulation of the State Board of Education. All public schools shall keep daily records of attendance, verified by the teachers certifying such records. Such reports shall be open to inspection by the visiting teacher, attendance officer, or duly authorized representative at any time during the school day. Any such attendance records and reports which identify students by name shall be used only for the purpose of providing necessary attendance information required by the state board or by law, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of ~~attendance~~ <u>enrollment</u> by the Department of ~~Public Safety~~ <u>Driver Services</u> for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Such attendance records shall also be maintained in a format which does not identify students by name, and in this format shall be a part of the data collected for the student record component of the state-wide comprehensive educational information system pursuant to subsection (b) of Code Section 20-2-320."

SECTION 3-5.

Said chapter is further amended by revising Code Section 20-2-701, relating to responsibility for reporting truants to juvenile or other courts, as follows:

"20-2-701.

~~(a)~~ Local school superintendents as applied to private schools, the Department of Education as applied to home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

~~(b) Local school superintendents or visiting teachers and attendance officers shall use their best efforts to notify any child 14 years of age or older who has only three absences remaining prior to violating the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such notification shall be made via first-class mail.~~

~~(c) Local school superintendents or visiting teachers and attendance officers shall report to the State Board of Education, which shall, in turn, report to the Department of Driver Services any child 14 years of age or older who does not meet the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. Such report shall include the child's name, current address, and social security number, if known.~~

~~(d) Subsections (b) and (c) of this Code section shall not be effective until full implementation of the state-wide education information system.~~"

PART IV

SECTION 4-1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subparagraph (A) of paragraph (8.3) of Code Section 40-1-1, relating to definitions, as follows:

"(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of ~~4,537~~ 4,536 kg (10,001 lbs.) or more;"

SECTION 4-2.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 40-1-8, relating to definitions, safe operations of motor carriers and commercial motor vehicles, civil penalties, operation of out-of-service vehicles, and criminal penalties, as follows:

"(3) 'Present regulations' means the regulations promulgated under 49 C.F.R. in force and effect on January 1, ~~2014~~ 2015."

SECTION 4-3.

Said title is further amended by revising Code Section 40-2-1, relating to definitions, as follows:

"40-2-1.

As used in this chapter, the term:

(1) 'Cancellation of vehicle registration' means the annulment or termination by formal action of the department of a person's vehicle registration because of an error or defect in the registration or because the person is no longer entitled to such registration. The cancellation of registration is without prejudice and application for a new registration may be made at any time after such cancellation.

(2) 'Commissioner' means the state revenue commissioner.

(3) 'Department' means the Department of Revenue.

(4) 'For-hire intrastate motor carrier' means an entity engaged in the transportation of goods or ten or more passengers for compensation wholly within the boundaries of this state.

(5) 'Intrastate motor carrier' means any self-propelled or towed motor vehicle operated by an entity that is used on a highway in intrastate commerce to transport passengers or property and:

(A) Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more, whichever is greater;

(B) Is designed or used to transport more than ten passengers, including the driver, and is not used to transport passengers for compensation; or

(C) Is used to transport material found by the United States Secretary of Transportation to be hazardous pursuant to 49 U.S.C. Section 5103 and is transported in any quantity.

~~(4)~~(6) 'Motor carrier' means:

(A) Any entity subject to the terms of the Unified Carrier Registration Agreement pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate commerce, or both; or

(B) Any entity defined by the commissioner or commissioner of public safety who operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5 or this chapter whether operated in interstate or intrastate commerce, or both.

~~(5)~~(7) 'Operating authority' means the registration required by 49 U.S.C. Section 13902, 49 C.F.R. Part 365, 49 C.F.R. Part 368, and 49 C.F.R. Section 392.9a.

~~(6)~~(8) 'Regulatory compliance inspection' means the examination of facilities, property, buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting documentation kept or required to be kept in the normal course of motor carrier business or enterprise operations.

~~(7)~~(9) 'Resident' means a person who has a permanent home or domicile in Georgia and to which, having been absent, he or she has the intention of returning. For the purposes of this chapter, there is a rebuttable presumption that any person who, except for infrequent, brief absences, has been present in the state for 30 or more days is a resident.

~~(8)~~(10) 'Revocation of vehicle registration' means the termination by formal action of the department of a vehicle registration, which registration shall not be subject to renewal or reinstatement, except that an application for a new registration may be presented and acted upon by the department after the expiration of the applicable period of time prescribed by law.

~~(9)~~(11) 'Suspension of vehicle registration' means the temporary withdrawal by formal action of the department of a vehicle registration, which temporary withdrawal shall be for a period specifically designated by the department."

SECTION 4-4.

Said title is further amended in Code Section 40-2-20, relating to registration and license requirements, by adding a new subparagraph to paragraph (1) of subsection (a) to read as follows:

"(C) The county tag agent may issue a temporary operating permit for any vehicle that fails to comply with applicable federal emission standards, provided that the owner of such vehicle has provided verification of the existence of minimum motor vehicle liability insurance coverage and paid all applicable taxes, penalties, insurance lapse fees, and fees other than the registration fee. Such temporary operating permit shall be valid for 30 days and shall not be renewable."

SECTION 4-5.

Said title is further amended by revising subsections (d), (e), and (f) of Code Section 40-2-140, relating to the administration of the Federal Unified Carrier Registration Act of 2005 by the Department of Public Safety, registration and fee requirements, evidence of continuing education, requirements for obtaining operating authority, collection, retention, and utilization of fees, regulatory compliance inspections, and penalties, as follows:

"(d)(1) Any intrastate motor carrier, leasing company leasing to a motor carrier, broker, or freight forwarder that engages in intrastate commerce and operates a motor vehicle on or over any public highway of this state shall register with the commissioner and pay a fee determined by the commissioner.

(2) No for-hire intrastate motor carrier shall be issued a registration unless there is filed with the commissioner ~~or the Federal Motor Carrier Safety Administration or any successor agency~~ a certificate of insurance for such applicant or holder, on forms prescribed by the commissioner, evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state. Such policy shall provide for the protection of passengers in passenger vehicles and the protection of the public against the negligence of such for-hire intrastate motor carrier, and its servants or

agents, when it is determined to be the proximate cause of any injury. The commissioner shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. Failure to file any form required by the commissioner shall not diminish the rights of any person to pursue an action directly against a for-hire intrastate motor carrier's insurer. The insurer may file its certificate of insurance electronically with the commissioner.

(3) The commissioner shall have the power to permit self-insurance in lieu of a policy of indemnity insurance whenever in his or her opinion the financial ability of the motor carrier so warrants.

(4) Any person having a cause of action, whether arising in tort or contract, under this Code section may join in the same cause of action the motor carrier and its insurance carrier.

(e) Before any intrastate motor carrier engaged in exempt passenger intrastate commerce shall operate any motor vehicle on or over any public highway of this state, the intrastate motor carrier shall register with the commissioner and pay a fee determined by the commissioner.

(f) Prior to the issuance of the initial registration to any intrastate motor carrier ~~Before any motor carrier shall be registered under the federal Unified Carrier Registration Act of 2005~~ by the Department of Public Safety pursuant to subsection (d) or (e) of this Code section, that intrastate motor carrier shall furnish evidence to the Department of Public Safety that the intrastate motor carrier, through an authorized representative, has completed, within the preceding 12 months, an educational seminar on motor carrier operations and safety regulations that has been certified by the commissioner."

SECTION 4-6.

Said title is further amended in Code Section 40-5-2, relating to information which may be disseminated by the Department of Driver Services, by revising paragraph (5) of subsection (f) as follows:

"(5) The information required to be made available to organ procurement organizations pursuant to subsection (d) of Code Section 40-5-25 and subsection (e) of Code Section 40-5-100 and for the purposes set forth in such Code ~~section~~ sections;"

SECTION 4-7.

Said title is further amended by revising Code Section 40-5-6, relating to forms for making anatomical gifts, as follows:

"40-5-6.

(a) Whenever any person applies for or requests the issuance, reissuance, or renewal of any class of driver's license or personal identification card, the department shall furnish ~~that~~ such person with a form, sufficient under Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' for the gift of all or part of the donor's body conditioned upon the donor's death. If any such person, legally authorized to

execute such a gift as provided for pursuant to Code Section 44-5-142, desires to execute a gift, the department shall provide ~~that~~ such person with appropriate assistance and the presence of the legally required number of witnesses.

(b) A notation shall be affixed to or made a part of every driver's license and personal identification card issued in this state indicating whether or not the licensee or cardholder has executed, under Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' a gift, by will or otherwise, of all or part of his or her body conditioned upon the donor's death."

SECTION 4-8.

Said title is further amended in Code Section 40-5-22, relating to persons not to be licensed and school attendance requirements, by revising subsections (a.1) and (c) and by adding a new subsection to read as follows:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion or has terminated his or her secondary education and is enrolled in a postsecondary school, is pursuing a general educational development (GED) diploma, or the records of the department indicate that said applicant:

(A) Is enrolled in and not under expulsion from a public or private school ~~and has satisfied relevant attendance requirements as set forth in paragraph (2) of this subsection for a period of one academic year prior to application for an instruction permit or driver's license~~; or

(B) Is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program.

The department shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of such application.

~~(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school or who is pursuing a general educational development (GED) diploma that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the department receives notice that indicates that such minor:~~

~~(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;~~

~~(B) Has ten or more school days of unexcused absences in the current academic year or ten or more school days of unexcused absences in the previous academic year; or~~

~~(C) Has been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has received a change in placement for committing one of the~~

~~following offenses, or has waived his or her right to a hearing and pleaded guilty to one of the following offenses:~~

~~(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;~~

~~(ii) Possession or sale of drugs or alcohol on school property or at a school sponsored event;~~

~~(iii) Possession or use of a firearm in violation of Code Section 16-11-127.1 or possession or use of a dangerous weapon as defined in Code Section 16-11-121 but shall not include any part of an exhibit brought to school in connection with a school project;~~

~~(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or~~

~~(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.~~

~~Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first.~~

~~(3)~~(2) The State Board of Education and the commissioner of driver services are authorized to promulgate rules and regulations to implement the provisions of this subsection.

~~(4)~~(3) The Technical College System of Georgia shall be responsible for compliance and noncompliance data for students pursuing a general educational development (GED) diploma."

"(c) Except as provided in subsection (d) of this Code section, the ~~The~~ department shall not issue any driver's license to nor renew the driver's license of any person:

(1) Whose license has been suspended during such suspension, or whose license has been revoked, except as otherwise provided in this chapter;

(2) Whose license is currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a license under this chapter;

(3) Who is a habitual user of alcohol or any drug to a degree rendering him or her incapable of safely driving a motor vehicle;

(4) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(5) Who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) Who the commissioner has good cause to believe would not, by reason of physical or mental disability, be able to operate a motor vehicle with safety upon the highway; or

(7) Whose license issued by any other jurisdiction is suspended or revoked by such other jurisdiction during the period such license is suspended or revoked by such other jurisdiction.

(d) The department is authorized to issue a limited driving permit to an applicant whose license is currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a license under this chapter, provided that the applicant is otherwise eligible for such limited driving permit in accordance with paragraph (1) of subsection (a) of Code Section 40-5-64."

SECTION 4-9.

Said title is further amended in Code Section 40-5-25, relating to application fees for drivers' licenses, by revising subsection (b) as follows:

"(b)(1) Each person applying for a Class P commercial or noncommercial instruction permit for a Class A, B, C, E, F, or M driver's license shall pay the applicable license fee prior to attempting the knowledge test for the instruction permit sought when the knowledge test is to be administered by the department. If said person fails to achieve a passing score on the knowledge test, the license fee paid shall be considered a testing fee and retained by the department. Any person failing to achieve a passing score on the knowledge test for an instructional permit shall pay the applicable license fee on each subsequent attempt until successful, at which time said fee shall be his or her license fee.

(2) The department shall waive the license fee for each person applying for a Class P noncommercial instruction permit for a Class C driver's license when the

noncommercial knowledge test is to be administered by a licensed driver training school or public or private high school authorized to administer such tests as provided for in subsection (d) of Code Section 40-5-27.

(3) Each person applying for a Class A, B, or C commercial driver's license shall pay the applicable license fee at the time that he or she schedules his or her appointment for said skills test. If said person fails to appear for his or her scheduled skills test appointment or fails to achieve a passing score on the skills test, the license fee paid shall be considered a testing fee and retained by the department. The person shall pay the applicable license fee on each subsequent attempt until successful, at which time said fee shall be his or her license fee. All fees retained by the department pursuant to this Code section shall be remitted to the general fund."

SECTION 4-10.

Said title is further amended in Code Section 40-5-25, relating to indication of participation in voluntary programs on driver's license application, by revising subsection (d) and paragraph (1) of subsection (e) as follows:

"(d)(1) The General Assembly finds that it is in the best interest of ~~the~~ this state to encourage improved public education and awareness regarding anatomical gifts of human organs and tissues and to address the ever increasing need for donations of anatomical gifts for the benefit of the citizens of Georgia.

(2) The department shall make available to ~~those federally designated organ~~ procurement organizations or secure data centers maintained and managed at the direction of a procurement organization information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' including the name, license number, date of birth, gender, and most recent address of any person eligible pursuant to Code Section 44-5-142 who obtains an organ donor driver's license; provided, however, that the gender information shall be made available only to a procurement organization or secure data center if such organization or center has sufficient funds to cover the associated costs of providing such information. Information so obtained by such organizations and centers shall be used for ~~the purpose of establishing~~ a state-wide organ donor registry accessible to organ tissue and eye banks authorized to function as such in this state and shall not be further disseminated.

(e)(1) The General Assembly finds that it is in the best ~~interests~~ interest of ~~the~~ this state to encourage improved public education and awareness regarding blindness and to address the need for blindness prevention screenings, ~~and~~ treatments, and rehabilitation for the benefit of the citizens of Georgia."

SECTION 4-11.

Said title is further amended in Code Section 40-5-27, relating to examination of driver's license applicants, by revising paragraph (1) of subsection (c) as follows:

"(c)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, no noncommercial driver's license shall be issued to any person who does not have a

visual acuity of 20/60, corrected or uncorrected, in at least one eye or better and a horizontal field of vision with both eyes open of at least 140 degrees or, in the event that one eye only has usable vision, horizontal field of vision must be at least 70 degrees temporally and 50 degrees nasally."

SECTION 4-12.

Said title is further amended in Code Section 40-5-28, relating to contents of drivers' licenses, by revising subsection (a) as follows:

"(a) Except as provided in subsection (c) of this Code section, the department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a ~~color~~ photograph of the licensee, the licensee's full legal name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. No license shall be valid until it has been so signed by the licensee. The department shall not require applicants to submit or otherwise obtain from applicants any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

SECTION 4-13.

Said title is further amended by revising subsection (a) of Code Section 40-5-54, relating to mandatory suspension of license and notice of suspension, as follows:

"(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the license of any driver upon receiving a record of such driver's conviction of the following offenses, whether charged as a violation of state law or of a local ordinance adopted pursuant to Article 14 of Chapter 6 of this title:

(1) Homicide by vehicle, as defined by Code Section 40-6-393;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;

(4) Racing on highways and streets;

(5) Using a motor vehicle in fleeing or attempting to elude an officer; <u>or</u>

~~(6) Fraudulent or fictitious use of or application for a license as provided in Code Section 40-5-120 or 40-5-125;~~

~~(7)~~<u>(6)</u> Operating a motor vehicle with a revoked, canceled, or suspended registration in violation of Code Section 40-6-15~~; or~~

~~(8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to an identification document as defined in Code Section 16-9-4~~."

SECTION 4-14.

Said title is further amended by repealing in its entirety Code Section 40-5-57.2, relating to suspension based on violation of Code Section 40-6-255, and designating said Code section as reserved.

SECTION 4-15.

Said title is further amended by revising Code Section 40-5-57.1, relating to suspension and reinstatement of drivers' licenses for persons under a certain age, as follows:

"(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, ~~purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23,~~ or a violation of Code Section 40-6-391 shall be suspended by ~~the department~~ operation of law as provided by this Code section~~; and the~~. A plea of nolo contendere shall be considered a conviction for the purposes of this subsection. The court in which such conviction is had shall require the surrender to it of the driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of the disposition to the department within ten days after the conviction. The department shall send notice of any suspension imposed pursuant to this subsection via certified mail to the address reflected on its records as the person's mailing address.

(b) The driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points under Code Section 40-5-57 in any consecutive 12 month period shall be suspended by the department as provided by subsection (c) of this Code section. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of suspension shall be given by certified mail or statutory overnight delivery, return receipt requested~~;~~, to the address reflected in the department's records as the driver's mailing address or, in lieu thereof, notice may be given by personal service upon such person. ~~Such license shall be surrendered within ten days of notification of such suspension.~~ Notice given by certified mail or statutory overnight delivery, return receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice.

~~(b)~~(c) A person whose driver's license has been suspended under subsection (a) or (b) of this Code section shall:

(1) Subject to the requirements of subsection ~~(c)~~ (d) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after six months; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after 12 months; or

(2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, have his or her license suspended for a period of six months unless the driver's blood alcohol concentration at the time of the offense was 0.08 grams or more or the person has previously been subject to a suspension pursuant to paragraph (1) of this subsection, in which case the period of suspension shall be for 12 months.

(B) Upon the second conviction of a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, have his or her license suspended for a period of 18 months.

(C) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, be considered a habitual violator, and such person's license shall be revoked as provided for in Code Section 40-5-58.

~~(b.1)~~(c.1) In any case where a person's driver's license was administratively suspended as a result of a violation of Code Section 40-6-391 for which the person's driver's license has been suspended pursuant to subsection (c) of this Code section, the administrative license suspension period and the license suspension period provided by this Code section may run concurrently, and any completed portion of such administrative license suspension period shall apply toward completion of the license suspension period provided by this Code section.

~~(c)~~(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section for commission of any offense other than violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a defensive driving course approved by the commissioner pursuant to Code Section 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under subsection (a) of this Code section for commission of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the applicable reinstatement fee.

(2) The reinstatement fee for a first such suspension shall be $210.00 or $200.00 if paid by mail. The reinstatement fee for a second or subsequent such suspension shall be $310.00 or $300.00 if paid by mail.

~~(d)~~(e) A suspension provided for in subsection (a) of this Code section shall be imposed based on the person's age on the date of the conviction giving rise to the suspension."

SECTION 4-16.

Said title is further amended by repealing in their entirety subsections (e) and (f) of Code Section 40-5-63, relating to periods of suspension and conditions of return of license.

SECTION 4-17.

Said title is further amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising subsections (a), (c), and (c.1) as follows:

"(a) **To whom issued.**

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with ~~paragraph (2) of subsection (a.1) of Code Section 40-5-22,~~ subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or older and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit."

"(c) **Standards for approval.** The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

(1) Going to his or her place of employment <u>or performing the normal duties of his or her occupation</u>;

(2) Receiving scheduled medical care or obtaining prescription drugs;

(3) Attending a college or school at which he or she is regularly enrolled as a student;

(4) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;

(5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;

(6) Attending court, reporting to a probation office or officer, or performing community service; or

(7) Transporting an immediate family member who does not hold a valid driver's license for work, medical care, or prescriptions or to school.

(c.1) **Exception to standards for approval.**

(1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22.

(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely for the following purposes:

(A) Going to his or her place of employment or performing the normal duties of his or her occupation;

(B) Attending a college or school at which he or she is regularly enrolled as a student;

(C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and

(D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider."

SECTION 4-18.

Said title is further amended by revising Code Section 40-5-75, relating to suspension of licenses by operation of law, as follows:

"40-5-75.

(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of ~~Except as provided in Code Section 40-5-76, the driver's license of any person convicted of any violation of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in~~ a controlled substance or marijuana~~,~~ in violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of $210.00 or $200.00 when such reinstatement is processed by mail~~.~~ ~~For purposes of this paragraph, a plea of nolo contendere by a person to a charge of~~

~~any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction~~;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of $310.00 or $300.00 when such reinstatement is processed by mail~~. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five year period of time shall constitute a conviction~~; and

(3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of $25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the

department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of $410.00 or $400.00 when such reinstatement is processed by mail. ~~For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five year period of time shall constitute a conviction.~~

~~(a.1) Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department.~~

(b) Except as provided in Code Section 40-5-76, whenever a person is convicted of ~~possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled substance or marijuana, or~~ driving or being in actual physical control of any moving vehicle while under the influence of ~~such substance~~ a controlled substance or marijuana in violation of ~~subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33;~~ paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391~~;~~ or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur.

~~(c)(1) The decision to accept a plea of nolo contendere to a misdemeanor charge of unlawful possession of less than one ounce of marijuana shall be at the sole discretion of the judge. If a plea of nolo contendere is accepted as provided in this subsection, the judge shall, as a part of the disposition of the case, order the defendant to attend and complete a DUI Alcohol or Drug Use Risk Reduction Program. The order shall stipulate that the defendant shall complete such program within 120 days and that the defendant shall submit evidence of such completion to the department. The judge shall also notify the defendant that, if he or she fails to complete such program by the date specified in the court's order, his or her driver's license shall be suspended, by~~

~~operation of law, as provided in this Code section. The record of the disposition of the case shall be forwarded to the department.~~

~~(2) If a plea of nolo contendere is accepted and the defendant's driver's license has not been suspended under any other provision of this title and if the defendant has not been convicted of or has not had a plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, the court shall, subject to paragraph (1) of this subsection, return the driver's license to the person; otherwise, such driver's license shall be forwarded to the department.~~

~~(d)~~(c) Application for reinstatement of a driver's license under paragraph (1) or (2) of subsection (a) of this Code section shall be made on such forms as the commissioner may prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and a restoration fee of $210.00 or $200.00 when such reinstatement is processed by mail. Application for a three-year driving permit under paragraph (3) of subsection (a) of this Code section shall be made on such form as the commissioner may prescribe and shall be accompanied by proof of completion of an approved residential drug treatment program and a fee of $25.00 for such permit.

~~(e)~~(d) Notwithstanding any other provision of this Code section or any other provision of this chapter, any person whose license is suspended pursuant to this Code section shall not be eligible for early reinstatement of his or her license and shall not be eligible for a limited driving permit, but such person's license shall be reinstated only as provided in this Code section or Code Section 40-5-76.

~~(f)~~(e) Except as provided in subsection (a) of this Code section, it shall be unlawful for any person to operate any motor vehicle in this state after such person's license has been suspended pursuant to this Code section if such person has not thereafter obtained a valid license. Any person who is convicted of operating a motor vehicle before the department has reinstated such person's license or issued such person a three-year driving permit shall be punished by a fine of not less than $750.00 nor more than $5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or both.

~~(g) Notwithstanding the provisions of Code Section 15-11-606 and except as provided in subsection (c) of this Code section, an adjudication of a minor child as a delinquent child for any offense listed in subsection (a) of this Code section shall be deemed a conviction for purposes of this Code section.~~

~~(h)~~(f) Licensed ~~Notwithstanding the provisions of subsection (a) of this Code section, licensed~~ drivers who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention program approved by the juvenile court.

~~(i)~~(g) Notwithstanding any other provision of this chapter to the contrary, the suspension imposed pursuant to this Code section shall be in addition to and run consecutively to any other suspension imposed by the department at the time of the conviction that results in said suspension. If the person has never been issued a driver's license in the State of Georgia or holds a driver's license issued by another state, the

person shall not be eligible for a driver's license for the applicable period of suspension following his or her submission of an application for issuance thereof."

SECTION 4-19.

Said title is further amended in Code Section 40-5-81, relating to the driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program option and the certification and approval of courses, by adding a new subsection to read as follows:

"(d) It shall be unlawful for the owner, agent, servant, or employee of any driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the department to directly or indirectly offer, for purposes of the enrollment or solicitation of any student or prospective student, any item of monetary value, including but not limited to United States legal tender, food, gasoline cards, debit gift cards, or merchant gift cards to any:

(1) Student or agent or legal representative of a student;

(2) Employee or agent of a private company which has contracted with a county, municipality, or consolidated government to provide probation services pursuant to Article 6 of Chapter 8 of Title 42;

(3) Law enforcement officer; or

(4) Officer or employee of the judicial branch or a court.

A violation of this subsection shall be a misdemeanor."

SECTION 4-20.

Said title is further amended in Code Section 40-5-100, relating to the issuance of personal identification cards, by revising subsection (a) and by adding new subsections to read as follows:

"(a) The department shall issue personal identification cards to all residents as defined in Code Section 40-5-1 who make application to the department in accordance with rules and regulations prescribed by the commissioner. Cards issued to applicants under 21 years of age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code Section 40-5-26. The identification card shall be similar in form but distinguishable in color from motor vehicle drivers' licenses and may contain a recent ~~color~~ photograph of the applicant and include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date identification card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

(9) Signature of person identified or facsimile thereof; ~~and~~

(10) Designation of participation in an anatomical gift donation program when such person is eligible to make such gift pursuant to Code Section 44-5-142; and

(11) Such other information or identification as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

"(e)(1) The General Assembly finds that it is in the best interest of this state to encourage improved public education and awareness regarding anatomical gifts of human organs and tissues and to address the ever increasing need for donations of anatomical gifts for the benefit of the citizens of Georgia.

(2) The department shall make available to procurement organizations or secure data centers maintained and managed at the direction of a procurement organization information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' including the name, personal identification card number, date of birth, gender, and most recent address of any person who obtains an organ donor identification card; provided, however, that the gender information shall be made available only to a procurement organization or secure data center if such organization or center has sufficient funds to cover the associated costs of providing such information. Information so obtained by such organizations and centers shall be used for a state-wide organ donor registry accessible to organ tissue and eye banks authorized to function as such in this state and shall not be further disseminated.

(f)(1) The General Assembly finds that it is in the best interest of this state to encourage improved public education and awareness regarding blindness and to address the need for blindness prevention screenings, treatments, and rehabilitation for the benefit of the citizens of Georgia.

(2) Each application form for issuance, reissuance, or renewal of a personal identification card under this Code section shall include language permitting the applicant to make a voluntary contribution of $1.00 to be used for purposes of preventing blindness and preserving the sight of residents of this state. Any such voluntary contribution shall be made at the discretion of the applicant at the time of application in addition to payment of the personal identification card fee prescribed by the commissioner.

(3) Voluntary contributions made pursuant to this subsection shall be transmitted to the Department of Public Health for use thereby in providing the blindness education, screening, and treatment program provided by Code Section 31-1-23."

SECTION 4-21.

Said title is further amended by revising paragraph (1) of subsection (b) of Code Section 40-5-121, relating to driving while license suspended or revoked, as follows:

"(b)(1) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection ~~(f)~~ (e) of Code Section 40-5-75, shall extend the period of suspension or

disqualification by six months. Upon the expiration of six months from the date on which the suspension or disqualification is extended and payment of the applicable reinstatement fee, the department shall reinstate the license. The reinstatement fee for a first such conviction within a five-year period shall be $210.00 or $200.00 if paid by mail. The reinstatement fee for a second such conviction within a five-year period shall be $310.00 or $300.00 if paid by mail. The reinstatement fee for a third or subsequent such conviction within a five-year period shall be $410.00 or $400.00 if paid by mail."

SECTION 4-22.

Said title is further amended in Code Section 40-5-150, relating to contents of commercial drivers' licenses, by revising subsection (a) as follows:

"(a) The commercial driver's license shall be marked 'Commercial Driver's License' or 'CDL' and shall be, to the maximum extent practicable, tamperproof, and shall include, but not be limited to, the following information:

(1) The full legal name and residential address of the person;
(2) The person's ~~color~~ photograph;
(3) A physical description of the person, including sex, height, weight, and eye color;
(4) Full date of birth;
(5) The license number or identifier assigned by the department;
(6) The person's signature;
(7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive, together with any endorsements or restrictions;
(8) The name of this state; and
(9) The dates between which the license is valid."

SECTION 4-23.

Said title is further amended in Code Section 40-5-171, relating to contents of personal identification cards for persons with disabilities, by revising subsection (a) as follows:

"(a) The department shall issue personal identification cards to persons with disabilities who make application to the department in accordance with rules and regulations prescribed by the commissioner. The identification card for persons with disabilities shall contain a recent ~~color~~ photograph of the applicant and the following information:

(1) Full legal name;
(2) Address of residence;
(3) Birth date;
(4) Date identification card was issued;
(5) Date identification card expires;
(6) Sex;
(7) Height;
(8) Weight;
(9) Eye color;
(10) Signature of person identified or facsimile thereof; and

(11) Such other information as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

SECTION 4-24.

Said title is further amended in Code Section 40-6-15, relating to knowingly driving a motor vehicle with a suspended, canceled, or revoked vehicle registration, by revising subsection (e) as follows:

"(e) ~~For all purposes under this Code section, a plea of nolo contendere shall be considered as a conviction.~~ For purposes of pleading nolo contendere, only one nolo contendere plea shall be accepted to a charge of driving a motor vehicle with a suspended, canceled, or revoked vehicle registration within a five-year period of time as measured from the date of the previous arrest for which a conviction was obtained or plea of nolo contendere was accepted to the date of the current arrest. All other nolo contendere pleas within such period of time shall be considered convictions."

PART V
SECTION 5-1.

Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to timing for issuance of ignition interlock device limited driving permits, is amended by revising paragraph (1) of subsection (a) as follows:

"(a)(1) In any case where the court grants a certificate of eligibility for an ignition interlock device limited driving permit or probationary license pursuant to Code Section 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph ~~(b)~~(c)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section 40-5-63, the Department of Driver Services shall not issue an ignition interlock device limited driving permit until after the expiration of 120 days from the date of the conviction for which such certificate was granted."

PART VI
SECTION 6-1.

Section 4-9 of Part IV of this Act shall become effective on January 1, 2016, and all other parts of this Act shall become effective on July 1, 2015, and shall apply to offenses which occur on or after that date.

SECTION 6-2.

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

Representative Greene of the 151st moved that the House adopt the report of the Committee of Conference on SB 100.

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
Y Allison	Y Corbett	Harrell	Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	E 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
E Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	E Taylor, T
E 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	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	E Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Cheokas	Y Glanton	E 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	E Sims	Ralston, Speaker

On the motion, the ayes were 164, nays 0.

The motion prevailed.

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 128. By Senators Kennedy of the 18th, Bethel of the 54th, Hill of the 32nd, Jones II of the 22nd and Parent of the 42nd:

A BILL to be entitled an Act to amend Article 8 of Chapter 2 of Title 14 of the O.C.G.A., relating to directors and officers, so as to enact reforms consistent with the Model Act; to change provisions relating to the functions of a board of directors; to change provisions relating to elections of directors; to change provisions relating to terms for directors; to change provisions relating to actions without meetings; to change provisions relating to committees; to change provisions relating to derivative actions; to change provisions relating to officers; to change provisions relating to functions of officers; to change provisions relating to resignation and removal of officers; to enact provisions relating to business opportunities; 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 8 of Chapter 2 of Title 14 of the Official Code of Georgia Annotated, relating to directors and officers, so as to enact reforms consistent with the Model Act; to change provisions relating to the functions of a board of directors; to change provisions relating to elections of directors; to change provisions relating to terms for directors; to change provisions relating to actions without meetings; to change provisions relating to committees; to change provisions relating to derivative actions; to change provisions relating to officers; to change provisions relating to functions of officers; to change provisions relating to resignation and removal of officers; to enact provisions relating to business opportunities; to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to change certain provisions relating to definitions, registered agent, and service of process; to provide for certain definitions applicable to business corporations, nonprofit corporations, partnerships, and the "Georgia Revised Uniform Limited Partnership Act"; to change certain provisions relating to who may serve as a registered agent for certain domestic and foreign entities, including corporations, nonprofit corporations, limited liability partnerships, limited partnerships, and limited liability companies; to provide for one copy of a process, notice, or demand to be served upon the Secretary of State when he or she is acting as an agent for service of process for certain entities; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Article 8 of Chapter 2 of Title 14 of the Official Code of Georgia Annotated, relating to directors and officers, is amended by revising subsections (a) and (b) of Code Section 14-2-801, relating to the requirement for and duties of board of directors, as follows:

"(a) Except ~~Each corporation must have a board of directors, except~~ as provided in Article 9 of this chapter or in a written agreement meeting the requirements of Code Section 14-2-732, each corporation must have a board of directors.

(b) All corporate powers shall be exercised by or under the authority of the board of directors of the corporation, and the business and affairs of the corporation shall be managed by or under the direction, and subject to oversight, of~~,~~ its board of directors, subject to any limitation set forth in the articles of incorporation, in rights, options, or warrants permitted by paragraph (2) of subsection (d) of Code Section 14-2-624, or except as provided in an agreement among the shareholders meeting the requirements of Code Section 14-2-732."

SECTION 1-2.

Said article is further amended by revising subsection (b) of Code Section 14-2-803, relating to number and election of directors, as follows:

"(b) The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws. ~~The articles of incorporation or bylaws may authorize the shareholders or the board of directors to fix or change the number of directors or may establish a variable range for the size of the board of directors by fixing a minimum and maximum number of directors. If a variable range is established, the number of directors may be fixed or changed from time to time, within the minimum and maximum, by the shareholders or, if the articles or bylaws so provide, by the board of directors.~~"

SECTION 1-3.

Said article is further amended by revising Code Section 14-2-806, relating to staggered terms for directors, as follows:

"14-2-806.

(a) The articles of incorporation or a bylaw adopted by the shareholders may provide for staggering the terms of ~~the~~ directors by dividing the total number of directors into two or three groups~~, with each group containing one half or one third of the total, as near as may be~~. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of two years or three years, as the case may be, to succeed those whose terms expire.

(b) ~~If directors have staggered terms and the number of directors is thereafter changed:~~

~~(1) Any increase or decrease in the number of directors shall be so apportioned among the classes as to make all classes as nearly equal in number as possible; and~~

~~(2)~~ When the number of directors is increased and any newly created directorships are filled by the board, the terms of the additional directors shall expire at the next annual election of directors by the shareholders."

SECTION 1-4.

Said article is further amended by revising Code Section 14-2-821, relating to action without meeting, as follows:

"14-2-821.

(a) Except to the extent ~~Unless~~ the articles of incorporation or bylaws ~~provide otherwise~~ require that action by the board of directors be taken at a meeting, action required or permitted by this chapter to be taken ~~at a~~ by the board of ~~directors' meeting~~ directors may be taken without a meeting if ~~the action is taken by all members of the board. The action must be evidenced by one or more consents in writing or by electronic transmission describing the action taken, signed by each director, and delivered to the corporation for inclusion in the minutes or filing with the corporate records~~ each director signs a consent describing the action to be taken or ratified and delivers it to the corporation.

(b) A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation prior to delivery to the corporation of unrevoked written consents signed by all the directors.

(c) Action taken under this Code section is the act of the board of directors when one or more consents signed by all the directors are delivered to the corporation. The consent may specify the time at which the action taken thereunder is to be effective.

~~(b)~~(d) A consent signed and delivered by a director under this Code section has the effect of action taken at a meeting ~~vote~~ of the board of directors and may be described as such in any document."

SECTION 1-5.

Said article is further amended by revising Code Section 14-2-825, relating to committees, as follows:

"14-2-825.

(a) Unless this chapter, the articles of incorporation, or the bylaws provide otherwise, a board of directors may create one or more committees and appoint members of the board of directors to serve on ~~them~~ any such committee. Each committee may have one or more members, who serve at the pleasure of the board of directors.

(b) Code Sections 14-2-820 through 14-2-824~~, which govern meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements~~ apply both to committees of the board of directors~~, apply to committees~~ and to their members ~~as well~~.

(c) To the extent specified by the board of directors or in the articles of incorporation or bylaws, each committee may exercise the ~~authority~~ powers of the board of directors under Code Section 14-2-801.

(d) A committee may not, however:

(1) Approve or propose to shareholders action that this chapter requires to be approved by shareholders;

(2) Fill vacancies on the board of directors or, subject to subsection (f) of this Code section, on any of its committees;

(3) Amend articles of incorporation pursuant to Code Section 14-2-1002 except that a committee may, to the extent authorized ~~in a resolution or resolutions adopted~~ by action of the board of directors, amend the articles of incorporation to fix the designations, preferences, limitations, and relative rights of shares pursuant to Code Section 14-2-602 or to increase or decrease the number of shares contained in a series of shares established in accordance with Code Section 14-2-602 but not below the number of such shares then issued; or

(4) Adopt, amend, or repeal bylaws~~; or~~

~~(5) Approve a plan of merger not requiring shareholder approval~~.

(e) The creation of, delegation of authority to, or action by a committee does not alone constitute compliance by a director with the standards of conduct described in Code Section 14-2-830.

(f) The board of directors may appoint one or more directors as alternate members of any committee to replace any absent or disqualified member during the member's absence or disqualification. Unless the articles of incorporation or the bylaws or the board action creating the committee or appointing one or more directors as alternate members provide otherwise, in the event of the absence or disqualification of a member of a committee, the member or members of the committee present at any meeting and not disqualified from voting, unanimously, may appoint another director to act in place of the absent or disqualified member."

SECTION 1-6.

Said article is further amended by revising subsection (a) of Code Section 14-2-831, relating to derivative actions, as follows:

"(a) Subject to Code Sections 14-2-830 and 14-2-842, a ~~A~~ derivative proceeding, as defined in ~~subsection (a)~~ paragraph (1) of Code Section 14-2-740, may be brought by a shareholder, or an action may be brought by the corporation, against one or more directors or officers of the corporation to procure for the benefit of the corporation a judgment for the following relief:

(1) Subject to any provision of the articles of incorporation authorized pursuant to paragraph (4) of subsection (b) of Code Section 14-2-202, to ~~To~~ compel the defendant to account for official conduct or to decree any other relief called for by his or her official conduct in the following cases:

(A) The neglect of, failure to perform, or other violation of his or her duties in the management of the corporation or in the disposition of corporate assets;

(B) The acquisition, transfer to others, loss, or waste of corporate assets due to any neglect of, failure to perform, or other violation of duties; or

(C) The appropriation, in violation of his or her duties, of any business opportunity of the corporation;

(2) To enjoin a proposed unlawful conveyance, assignment, or transfer of corporate assets or other unlawful transaction where there is sufficient evidence that it will be made; and

(3) To set aside an unlawful conveyance, assignment, or transfer of corporate assets where the transferee knew of its unlawfulness and is made a party to the action."

SECTION 1-7.

Said article is further amended by revising subsections (b) and (c) of Code Section 14-2-840, relating to required officers, as follows:

"(b) The board of directors may elect individuals to fill one or more offices of the corporation. A duly appointed officer may appoint one or more officers ~~or assistant officers~~ if authorized by the bylaws or the board of directors.

(c) The bylaws or the board of directors shall ~~delegate~~ assign to one of the officers responsibility for preparing the minutes of the directors' and shareholders' meetings and for maintaining and authenticating records of the corporation required to be kept under subsections (a) of Code Sections 14-2-1601 and 14-2-1602."

SECTION 1-8.

Said article is further amended by revising Code Section 14-2-841, relating to duties of officers, as follows:

"14-2-841.

Each officer has the authority and shall perform the ~~duties~~ functions set forth in the bylaws or, to the extent consistent with the bylaws, the ~~duties~~ functions prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the ~~duties~~ functions of other officers. Unless the articles of incorporation, bylaws, or ~~a resolution~~ action of the board of directors of a corporation provide otherwise, the chief executive officer (or the president if no person has been designated as chief executive officer) of a corporation shall have authority to conduct all ordinary business on behalf of such corporation and may execute and deliver on behalf of a corporation any contract, conveyance, or similar document not requiring approval by the board of directors or shareholders as provided in this chapter."

SECTION 1-9.

Said article is further amended by revising Code Section 14-2-843, relating to resignation and removal of officers, as follows:

"14-2-843.

(a) An officer may resign at any time by delivering notice ~~in writing or by electronic transmission~~ to the corporation. A resignation is effective when the notice is ~~effective~~ delivered unless the notice specifies a future later effective ~~date~~ time. A copy of the notice of resignation as delivered to the corporation may be filed with the Secretary of State.

(b) ~~A board of directors may remove any officer at any time with or without cause. Unless the bylaws provide otherwise, any officer or assistant officer appointed by an~~

~~authorized officer pursuant to subsection (b) of Code Section 14-2-840 may be removed at any time with or without cause by any officer having authority to appoint such officer or assistant officer~~. An officer may be removed at any time with or without cause by:

(1) The board of directors;

(2) The officer who appointed such officer, unless the bylaws or the board of directors provide otherwise; or

(3) Any other officer if authorized by the bylaws or the board of directors."

SECTION 1-10.

Said article is further amended by revising paragraph (1) of subsection (f) of Code Section 14-2-859, relating to application of part, as follows:

"(1) To advance funds to pay for or reimburse expenses in accordance with Code Section 14-2-853 or subsection (c) of Code Section 14-2-856 to the fullest extent permitted by law; and"

SECTION 1-11.

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

"Part 7

14-2-870.

(a) A corporation may disclaim, in its articles of incorporation or bylaws or by action of its shareholders or board of directors, any interest of the corporation in, or in being offered, or in excluding directors or officers from taking advantage of or participating in, specific business opportunities or classes or categories of business opportunities that are, have been, or may be in the future presented to the corporation or to one or more of its directors or officers. For purposes of this part, the terms 'director' and 'directors' include a person or persons other than directors to the extent discretion or powers of the board of directors are vested in such person or persons pursuant to Code Sections 14-2-732, 14-2-920, or 14-2-922.

(b) A director's or officer's taking advantage of, or participating in, directly or indirectly, a specific business opportunity may not be the subject of equitable relief, or give rise to an award of damages or other sanctions against the director or officer, in a proceeding by a shareholder or by or in the right of the corporation on the ground that such opportunity should have been first offered to the corporation or that the corporation had an interest in, or in being offered, or in excluding the director or officer from taking advantage of or participating in, such opportunity, to the extent the corporation has disclaimed any such interest with respect to such business opportunity pursuant to subsection (a) of this Code section, either with respect to the specific business opportunity or with respect to a class or category of business opportunities that includes such opportunity.

(c) Action by the shareholders or board of directors of the corporation approving a disclaimer pursuant to subsection (a) of this Code section that applies to a director with respect to a specific past, present, or future business opportunity shall be effective for all purposes if the director brings such opportunity to the attention of the corporation (if such opportunity is not known to the corporation) and:

(1) Such disclaimer is approved by qualified directors in compliance with the procedures set forth in Code Section 14-2-862, as if the decision being made concerned a director's conflicting interest transaction; or

(2) Such disclaimer is approved by shareholders' action taken in compliance with the procedures set forth in Code Section 14-2-863, as if the decision being made concerned a director's conflicting interest transaction;

except that, rather than making 'required disclosure' as defined in Code Section 14-2-860, in each case the director shall have made prior disclosure to those approving such disclaimer on behalf of the corporation of all material facts concerning the business opportunity that are then known to the director, subject to subsection (e) of this Code section, and that a 'qualified director' is a director who, at the time action is to be taken under paragraph (1) of subsection (c) of this Code section, would be a qualified director under subsection (d) of Code Section 14-2-862 if the business opportunity were a director's conflicting interest transaction.

(d) Action by the board of directors or shareholders of the corporation approving a disclaimer pursuant to subsection (a) of this Code section that applies to an officer with respect to a specific past, present, or future business opportunity shall be effective for all purposes if the officer brings such opportunity to the attention of the corporation (if such opportunity is not known to the corporation) and such disclaimer is approved by the board of directors or shareholders in compliance with the procedures set forth in Code Section 14-2-864, as if the decision being made concerned an officer's conflicting interest transaction, except that, rather than making 'required disclosure' as defined in Code Section 14-2-864, in each case the officer shall have made prior disclosure to those approving such disclaimer on behalf of the corporation of all material facts concerning the business opportunity that are then known to the officer, subject to subsection (e) of this Code section.

(e) Notwithstanding subsections (c) or (d) of this Code section, a director or officer is not obligated to make prior disclosure to those approving a disclaimer on behalf of the corporation pursuant to subsection (c) or (d) of this Code section of all material facts concerning the business opportunity subject to such disclaimer that are then known to the director or officer to the extent that the director or officer reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule, provided that such director or officer discloses to those acting on behalf of the corporation:

(1) All information required to be disclosed that is not so violative; and

(2) The nature of the director's or officer's duty not to disclose the confidential information.

(f) In any proceeding seeking equitable relief or other remedies based upon an alleged improper taking advantage of or participation in a business opportunity by a director or officer, directly or indirectly, the fact that the director or officer did not employ the procedures described in this Code section before taking advantage of the opportunity shall not:

(1) Create an inference that the opportunity should have been first presented to the corporation, that the corporation had an interest in, or in being offered, or in excluding the director or officer from taking advantage of or participating in, such opportunity or that the director or officer has or will have appropriated the opportunity in violation of his or her duties by taking advantage of or participating in the opportunity; or

(2) Alter the burden of proof otherwise applicable to establish that the director or officer breached a duty to the corporation in the circumstances."

PART II
SECTION 2-1.

Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, is amended in Code Section 14-2-140, relating to code definitions applicable to business corporations, by adding two new paragraphs to read as follows:

"(13.1) 'Foreign limited liability company' means a limited liability company formed under the laws of a jurisdiction other than this state."

"(16.1) 'Limited liability company' means any limited liability company formed under Chapter 11 of this title."

SECTION 2-2.

Said title is further amended in Code Section 14-3-140, relating to definitions applicable to nonprofit corporations, by adding two new paragraphs to read as follows:

"(16.1) 'Foreign limited liability company' means a limited liability company formed under the laws of a jurisdiction other than this state."

"(19.1) 'Limited liability company' means any limited liability company formed under Chapter 11 of this title."

SECTION 2-3.

Said title is further amended in Code Section 14-8-2, relating to definitions applicable to partnerships, by adding two new paragraphs to read as follows:

"(4.1) 'Foreign limited liability company' means a limited liability company formed under the laws of a jurisdiction other than this state."

"(6.1) 'Limited liability company' means any limited liability company formed under Chapter 11 of this title."

SECTION 2-4.

Said title is further amended in Code Section 14-9-101, relating to definitions applicable to the "Georgia Revised Uniform Limited Partnership Act," by adding two new paragraphs to read as follows:

"(3.1) 'Foreign limited liability company' means a limited liability company formed under the laws of a jurisdiction other than this state."

"(6.1) 'Limited liability company' means any limited liability company formed under Chapter 11 of this title."

PART III
SECTION 3-1.

Said title is further amended by revising Code Section 14-2-501, relating to registered office and registered agent applicable to business corporations, as follows:

"14-2-501.

Each corporation must continuously maintain in this state:

(1) A registered office that may be the same as any of its places of business; and

(2) A registered agent, who may be:

(A) A person who resides in this state and whose business office is identical with the registered office;

(B) A domestic corporation, ~~or~~ nonprofit domestic corporation, or domestic limited liability company whose business office is identical with the registered office; or

(C) A foreign corporation, ~~or~~ nonprofit foreign corporation, or foreign limited liability company authorized to transact business in this state whose business office is identical with the registered office."

SECTION 3-2.

Said title is further amended by revising Code Section 14-2-1507, relating to registered office and registered agent of foreign corporation applicable to business corporations, as follows:

"14-2-1507.

Each foreign corporation authorized to transact business in this state must continuously maintain in this state:

(1) A registered office that may be the same as any of its places of business; and

(2) A registered agent, who may be:

(A) An individual who resides in this state and whose business office is identical with the registered office;

(B) A domestic corporation, ~~or~~ nonprofit domestic corporation, or domestic limited liability company whose business office is identical with the registered office; or

(C) A foreign corporation, ~~or~~ foreign or nonprofit corporation, or foreign limited liability company authorized to transact business in this state whose business office is identical with the registered office."

SECTION 3-3.

Said title is further amended by revising Code Section 14-3-501, relating to registered office and registered agent applicable to nonprofit corporations, as follows:

"14-3-501.

Each corporation must continuously maintain in this state:

(1) A registered office with the same address as that of the registered agent; and

(2) A registered agent, who may be:

(A) A person who resides in this state and whose office is identical with the registered office;

(B) A domestic business or nonprofit corporation or domestic limited liability company formed under this chapter or under Chapter 2 of this title whose office is identical with the registered office; or

(C) A foreign business or nonprofit corporation or foreign limited liability company authorized to transact business in this state whose office is identical with the registered office."

SECTION 3-4.

Said title is further amended by revising Code Section 14-3-1507, relating to registered office and registered agent of foreign corporation applicable to nonprofit corporations, as follows:

"14-3-1507.

Each foreign corporation authorized to transact business in this state must continuously maintain in this state:

(1) A registered office that may be the same as any of its places of business; and

(2) A registered agent, who may be:

(A) An individual who resides in this state and whose business office is identical with the registered office;

(B) A domestic corporation, ~~or~~ domestic business corporation, or domestic limited liability company whose business office is identical with the registered office; or

(C) A foreign corporation, ~~or~~ foreign business corporation, or foreign limited liability company authorized to transact business in this state whose business office is identical with the registered office."

SECTION 3-5.

Said title is further amended by revising subsection (b) of Code Section 14-8-46, relating to registered office and registered agent required for foreign limited liability partnership, as follows:

"(b) A registered agent must be an individual resident of this state, a domestic corporation, professional corporation, or limited liability company, or a foreign corporation or limited liability company authorized to do business in this state."

SECTION 3-6.

Said title is further amended by revising subsection (b) of Code Section 14-9-902.1, relating to registered agent and office under the "Georgia Revised Uniform Limited Partnership Act," as follows:

"(b) An agent for service of process must be an individual resident of this state, a domestic corporation, professional corporation, or limited liability company, or a foreign corporation or limited liability company authorized to do business in this state."

SECTION 3-7.

Said title is further amended by revising subsection (b) of Code Section 14-11-209, relating to registered office and registered agent applicable to limited liability companies, as follows:

"(b) A registered agent must be an individual resident of this state, a corporation, another limited liability company, or a foreign corporation or a foreign limited liability company having a certificate of authority to transact business in this state."

SECTION 3-8.

Said title is further amended by revising subsection (b) of Code Section 14-11-703, relating to registered office and registered agent applicable to foreign limited liability companies, as follows:

"(b) A registered agent must be an individual resident of this state, a corporation, limited liability company, or a foreign corporation or another foreign limited liability company having a certificate of authority to transact business in this state."

PART IV
SECTION 4-1.

Said title is further amended by revising subsection (i) of Code Section 14-8-46, relating to registered office and registered agent required for foreign limited liability partnership, Secretary of State as agent for service of process, and venue, as follows:

"(i) Whenever a foreign limited liability partnership required to procure a certificate of authority to do business in this state shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, the Secretary of State shall be an agent of such foreign limited liability partnership upon whom any process, notice, or demand may be served. Service on the Secretary of State of any such process, notice, or demand shall be made by delivering to and leaving with the Secretary of State or with any persons designated by the Secretary of State to receive such service ~~two copies~~ a copy of such process, notice, or demand. The plaintiff or his or her attorney shall certify in writing to the Secretary of State that the foreign limited liability partnership failed either to maintain a registered office or appoint a registered agent in this state and that he or she has forwarded by registered mail or statutory overnight delivery such process, service, or demand to the

last registered agent at the last registered office listed on the records of the Secretary of State and that service cannot be effected at such office."

SECTION 4-2.

Said title is further amended by revising subsection (f) of Code Section 14-11-209, relating to registered office and registered agent relative to limited liability companies, as follows:

"(f) Whenever a limited liability company shall fail to appoint or maintain a registered agent in this state or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the Secretary of State shall be an agent of such limited liability company upon whom any process, notice, or demand may be served. Service on the Secretary of State of any such process, notice, or demand shall be made by delivering to and leaving with him or her or with any other person or persons designated by the Secretary of State to receive such service ~~two copies~~ a copy of such process, notice, or demand. The plaintiff or his or her attorney shall certify in writing to the Secretary of State that the limited liability company failed either to maintain a registered office or appoint a registered agent in this state and that he or she has forwarded by registered or certified mail or statutory overnight delivery such process, notice, or demand to the most recent registered office listed on the records of the Secretary of State and that service cannot be effected at such office."

SECTION 4-3.

Said title is further amended by revising subsection (h) Code Section 14-11-703, relating to registered office and registered agent and service on Secretary of State relative to foreign limited liability companies, as follows:

"(h) Whenever a foreign limited liability company required to procure a certificate of authority to transact business in this state shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the Secretary of State shall be an agent of such foreign limited liability company upon whom any process, notice, or demand may be served. Service on the Secretary of State of any such process, notice, or demand shall be made by delivering to and leaving with him or her or with any other person or persons designated by the Secretary of State to receive such service ~~two copies~~ a copy of such process, notice, or demand. The plaintiff or his or her attorney shall certify in writing to the Secretary of State that the foreign limited liability company failed either to maintain a registered office or appoint a registered agent in this state and that he or she has forwarded by registered or certified mail or statutory overnight delivery such process, notice, or demand to the last registered agent at the most recent registered office listed on the records of the Secretary of State and that service cannot be effected at such office."

PART V

SECTION 5-1.

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

The following amendment was read and withdrawn:

Representative Willard of the 51st offers the following amendment:

Amend the House Committee on Judiciary substitute to SB 128 (LC 29 6627ERS) by replacing lines 9 through 18 with the following:
opportunities; to provide for related matters; to repeal conflicting laws; and for other

By deleting lines 275 through 445.

The Committee substitute was adopted.

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

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

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

Y Cheokas	Y Glanton	E 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	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.

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

Mr. Speaker:

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

SB 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 following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 197. By Representatives Jacobs of the 80th, Willard of the 51st, Fleming of the 121st, Evans of the 42nd, Welch of the 110th and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 9, Title 11, and Chapter 2 of Title 18 of the O.C.G.A., relating to verdict and judgment, the commercial code, and debtor and creditor relations; to repeal the "Georgia Foreign Money Judgments Recognition Act" and enact the "Uniform Foreign-Country Money Judgments Recognition Act"; to amend Titles 7, 10, 40, and 52 of the O.C.G.A., relating to banking and finance, commerce and trade, motor vehicles and traffic, and waters of the state, ports, and watercraft; to amend Article 3 of Chapter 3 of Title 9 and Code Section 17-14-17 of the O.C.G.A., relating to limitations on recovery for deficiencies connected with improvements to realty and resulting injuries and fraudulent

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 53 of the Official Code of Georgia Annotated, relating to trusts, so as to establish qualified self-settled spendthrift trusts; to provide for definitions; to provide for exceptions for spendthrift provisions of trusts which are not within qualified self-settled spendthrift trusts; to provide for claims by creditors for such trusts; to provide for the creation of such trusts; to provide for transfers to such trusts; to provide for vacancies of trustees; to provide for standards for such trusts to be considered nonrevocable; to provide for beneficiary rights to withdrawal; to amend Part 4 of Article 9 of Title 11 of the Official Code of Georgia Annotated, relating to rights of third parties to secured transactions, so as to exclude qualified self-settled spendthrift trusts from restrictions on assignment; 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 12 of Title 53 of the Official Code of Georgia Annotated, relating to trusts, is amended by revising Code Section 53-12-80, relating to spendthrift provisions, as follows:

"53-12-80.

Except as otherwise provided for in Article 5A of this chapter:

~~(a)~~(1) A spendthrift provision shall only be valid if it prohibits both voluntary and involuntary transfers~~.~~;

~~(b)~~(2) A term of a trust providing that the interest of a beneficiary is held subject to a spendthrift trust, or words of similar import, shall be sufficient to restrain both voluntary and involuntary transfer of the beneficiary's interest in the manner set forth in this article~~.~~;

~~(c)~~(3) A beneficiary shall not transfer an interest in a trust in violation of a valid spendthrift provision, and, except as otherwise provided in this Code section, a creditor or assignee of the beneficiary shall not reach the interest or a distribution by the trustee before its receipt by the beneficiary~~.~~;

~~(d)~~(4) A spendthrift provision shall not be valid as to the following claims against a beneficiary's right to a current distribution to the extent the distribution would be subject to garnishment under Article 2 of Chapter 4 of Title 18 if the distribution were disposable earnings:

~~(1)~~(A) Alimony or child support;

(2)(B) Taxes or other governmental claims;

~~(3)~~(C) Tort judgments;

~~(4)~~(D) Judgments or orders for restitution as a result of a criminal conviction of the beneficiary; or

~~(5)~~(E) Judgments for necessaries.

The ability of a creditor or assignee to reach a beneficiary's interest under this ~~subsection~~ paragraph shall not apply to the extent that it would disqualify the trust as a special needs trust established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C)~~.~~;

~~(e)~~(5) A provision in a trust instrument that a beneficiary's interest shall terminate or become discretionary upon an attempt by the beneficiary to transfer it, an attempt by the beneficiary's creditors to reach it, or upon the bankruptcy or receivership of the beneficiary shall be valid except to the extent of the proportion of trust property attributable to such beneficiary's contribution~~.~~;

~~(f)~~(6) If a beneficiary is also a contributor to the trust, a spendthrift provision shall not be valid as to such beneficiary to the extent of the proportion of trust property attributable to such beneficiary's contribution. This ~~subsection~~ paragraph shall not apply to a special needs trust established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C)~~.~~; and

~~(g)~~(7) Notwithstanding any other provision in this Code section, a spendthrift provision in a pension or retirement arrangement described in sections 401, 403, 404, 408, 408A, 409, 414, or 457 of the federal Internal Revenue Code of 1986 shall be valid with reference to the entire interest of the beneficiary in the income, principal, or both, even if the beneficiary is also a contributor of trust property, except where a claim is made pursuant to a qualified domestic relations order as defined in 26 U.S.C. Section 414(p)."

SECTION 2.

Said chapter is further amended by revising Code Section 53-12-82, relating to creditors' claims against a settlor, as follows:

"53-12-82.

Whether or not the trust instrument contains a spendthrift provision, the following rules shall apply:

(1) During the lifetime of the settlor, the property of a revocable trust shall be subject to claims of the settlor's creditors;

(2) With respect to an irrevocable trust, except to the extent as provided in Article 5A of this chapter, creditors or assignees of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit during the settlor's life or that could have been distributed to or for the settlor's benefit immediately prior to the settlor's death. If a trust has more than one settlor, the amount the creditors or assignees of a particular settlor may reach shall not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution; and

(3) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities shall be paid, the property of a trust that was revocable at the settlor's death or had become irrevocable as a result of the settlor's incapacity shall be subject to claims of the settlor's creditors to the extent the probate estate is inadequate. Payments that would not be subject to the claims of the settlor's creditors if made by way of beneficiary designation to persons other than the settlor's estate shall not be made subject to such claims by virtue of this Code section unless otherwise provided in the trust instrument."

SECTION 3.

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

"ARTICLE 5A

53-12-90.

As used in this article, the term:

(1) 'Independent qualified trustee' means a qualified trustee who is not, and whose actions are not, subject to direction by:

(A) The settlor;

(B) Any natural person who is not a resident of Georgia;

(C) Any entity that is not authorized to engage in trust business within Georgia;

(D) The spouse of the settlor;

(E) A parent of the settlor;

(F) Any lineal descendants of the settlor, including adopted children and stepchildren;

(G) A sibling of the settlor;

(H) An employer of the settlor;

(I) A business entity in which the holdings of the settlor represent at least 30 percent of the total voting power of all interests entitled to vote;

(J) A subordinate employee of the settlor; or

(K) A subordinate employee of a business entity in which the settlor is an executive.

(2) 'Qualified interest' means the interest of a settlor to the extent that such interest entitles the settlor to receive distributions of income or principal or both in the sole discretion of an independent qualified trustee.

(3) 'Qualified self-settled spendthrift trust' means a trust that:

(A) Is created or declared in writing;

(B) Is signed by the settlor or an agent for the settlor acting under a power of attorney containing express authorization;

(C) Is irrevocable;

(D) Was created during the lifetime of a settlor;

(E) Has, at all times when distributions could be made to the settlor pursuant to the qualified interest, at least one beneficiary other than the settlor to whom:

(i) Income may be distributed, if the qualified interest relates to trust income;
(ii) Principal may be distributed, if the qualified interest relates to trust principal; or
(iii) Both income and principal may be distributed, if the qualified interest relates to both trust income and principal;
(F) Has, at all times, at least one qualified trustee who may be, but need not be, an independent qualified trustee;
(G) Is created with a trust instrument which expressly incorporates the law of this state in governing the validity, construction, and administration of the trust; and
(H) Is created with a trust instrument that includes a spendthrift provision that restrains both voluntary and involuntary transfer of the qualified interest.
(4) 'Qualified trustee' means any person who is a natural person residing within this state or a legal entity authorized to engage in trust business within this state and who maintains or arranges for custody within this state some or all of the property that has been transferred to the trust by the settlor, maintains records within this state for the trust on an exclusive or nonexclusive basis, prepares or arranges for the preparation within this state of fiduciary income tax returns for the trust, or otherwise materially participates within this state in the administration of the trust.

53-12-91.
(a) A settlor may transfer assets to a qualified self-settled spendthrift trust and retain in such trust a qualified interest, and, except as otherwise provided in this article, Code Section 53-12-80, and paragraph (2) of Code Section 53-12-82 shall not apply to such qualified interest. A settlor may have a qualified interest in a qualified self-settled spendthrift trust and also have an interest in the same trust that is not a qualified interest, and the rules of Code Sections 53-12-80 and 53-12-82 shall apply to each interest of the settlor in the same trust other than the qualified interest.
(b) Within 30 days of transferring an asset to a qualified self-settled spendthrift trust, a settlor shall notify all of his or her known creditors of such transfer by certified mail or statutory overnight delivery.

53-12-92.
(a) A vacancy in the position of qualified trustee that occurs for any reason, whether or not there is another trustee then serving, shall be filled by a person eligible to serve as a qualified trustee and in the following order of priority:
(1) One designated pursuant to the terms of the trust to act as successor trustee;
(2) One appointed by the qualified beneficiaries by unanimous consent; and
(3) One appointed by the court pursuant to Code Section 53-12-62.
(b) A vacancy in the position of independent qualified trustee that occurs for any reason, whether or not there is another trustee then serving, shall be filled by a person eligible to serve as an independent qualified trustee and in the following priority:
(1) One designated pursuant to the terms of the trust to act as successor trustee;
(2) One appointed by the qualified beneficiaries by unanimous consent; and

(3) One appointed by the court pursuant to Code Section 53-12-62.

53-12-93.
No trust shall be considered revocable merely because the trust instrument includes one or more of the following rights, powers, or interests:
(1) A power of appointment, exercisable by the settlor through a will or other written instrument effective only upon the death of a settlor, other than a power to appoint to the estate of a settlor or the creditors of the estate of a settlor;
(2) The qualified interest in the trust;
(3) The right of a settlor to receive income or principal pursuant to an ascertainable standard;
(4) The potential or actual receipt of income by a settlor from a charitable remainder unitrust or charitable remainder annuity trust as defined by 26 U.S.C. Section 664(d) and the right of the settlor, at any time, and from time to time, to release, in writing delivered to the qualified trustee, all or any part of the retained interest of the settlor in such trust;
(5) Annual receipt by the settlor of a percentage, not to exceed 5 percent and specified in the trust instrument, of the initial value of the trust assets or the value of such assets determined from time to time pursuant to the trust instrument;
(6) The right of the settlor to remove a trustee and appoint a new trustee;
(7) The potential or actual use of real property by a settlor when such real property is held under a personal residence trust;
(8)(A) As used in this paragraph, the term 'qualified interest' shall have the same meaning as defined by 26 U.S.C. Section 2702.
(B) The potential or actual receipt of use by a settlor of a qualified interest;
(9) The ability of a qualified trustee, whether pursuant to discretion or direction, to pay, upon the death of a settlor, all or any part of debts owed by the settlor at the time of death, the expenses of administering the estate of the settlor, or any estate inheritance tax imposed on or with respect to the estate of the settlor; and
(10) The potential or actual receipt of income or principal by a settlor to pay, in whole or in part, income taxes due on trust income, or the direct payment of such taxes to the applicable tax authorities, pursuant to a provision in the trust instrument that expressly provides for the direct payment of such taxes or reimbursement of the settlor for such tax payments.

53-12-94.
A beneficiary who has the right to withdraw his or her entire beneficial interest in a trust shall be treated as its settlor to the extent of such withdrawal right, when such right to withdraw has lapsed, been released, or otherwise expired.

53-12-95.
A qualified self-settled spendthrift trust shall not be valid as to the following claims against a settlor's or other beneficiary's right to a current distribution to the extent the

distribution would be subject to garnishment under Article 2 of Chapter 4 of Title 18 if the distribution were disposable earnings:

(1) Alimony; or

(2) Child support, including any judgment or order issued in another state."

SECTION 4.

Part 4 of Article 9 of Title 11 of the Official Code of Georgia Annotated, relating to rights of third parties to secured transactions, is amended by revising subsection (d) of Code Section 11-9-406, relating to terms restricting assignments, as follows:

"(d) **Term restricting assignment generally ineffective.** Except as otherwise provided in subsection (e) of this Code section and Code Sections 11-2A-303, 11-9-407, ~~and~~ 53-12-80 through 53-12-83, and Article 5A of Chapter 12 of Title 53 and subject to subsection (h) of this Code section, a term in an agreement between an account debtor and an assignor or in a promissory note shall be ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment, transfer, creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note."

SECTION 5.

Said part is further amended by revising subsections (a) and (c) of Code Section 11-9-408, relating to restrictions on assignment of promissory notes, health care insurance receivables, and certain general intangibles, as follows:

"(a) **Term restricting assignment generally ineffective.** Except as otherwise provided in subsection (b) of this Code section, ~~or~~ in Code Section 53-12-80, or in Article 5A of Chapter 12 of Title 53, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health care insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health care insurance receivable, or general intangible, shall be ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment, transfer, creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health care insurance receivable, or general intangible."

"(c) **Legal restrictions on assignment generally ineffective.** Except as otherwise provided in Code Section 53-12-80 or in Article 5A of Chapter 12 of Title 53, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health care insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, shall be ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment, transfer, creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health care insurance receivable, or general intangible."

SECTION 6.

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

The following amendment was read and adopted:

Representatives Willard of the 51st, Jacobs of the 80th, and Ralston of the 7th offer the following amendment:

Amend the Senate substitute to HB 197 (HB 197/SCSFA/2) by inserting between lines 135 and 136 the following:

(c) If the settlor is also a beneficiary of the qualified self-settled spendthrift trust, a provision restraining the voluntary or involuntary transfer of his or her beneficial interest shall not prevent the creditors of the settlor whose interest exists prior to the creation of the trust from satisfying their claims from the settlor's interest in such qualified self-settled spendthrift trust.

Representative Jacobs of the 80th moved that the House agree to the Senate substitute, as amended by the House, to HB 197.

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

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

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

On the motion, the ayes were 4, nays 159.

The motion was lost.

The House has disagreed.

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

Mr. Speaker:

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

HB 192. By Representatives Powell of the 32nd and Taylor of the 79th:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties, municipal corporations, and other governmental entities, so as to provide that elected officials of counties, municipal corporations, school districts, and consolidated governments shall be reimbursed for expenses only through the submission of expense reimbursement requests; to prohibit an elected official

of a county, municipal corporation, school district, or consolidated government from being issued or authorized to use a government purchasing card or government credit card; to provide for the promulgation of certain policies; to provide for access to certain records; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 279. By Representatives Powell of the 171st, Abrams of the 89th, Fleming of the 121st, Oliver of the 82nd, Willard of the 51st and others:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost-of-living adjustments, so as to repeal provisions relating to the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges and district attorneys; to enact provisions relating to the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges and district attorneys; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 99. By Representatives Lumsden of the 12th, Caldwell of the 131st, Willard of the 51st, Powell of the 171st, Quick of the 117th and others:

A BILL to be entitled an Act to amend Article 8 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to joint tenancy with survivorship, so as to provide for tenancy in common when joint tenants divorce or have their marriage annulled, under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following resolution of the Senate:

SR 126. By Senator Gooch of the 51st:

A RESOLUTION honoring the life of Mr. Bill T. Hardman and dedicating a road in his memory; and for other purposes.

By unanimous consent, all Bills and Resolutions on the General Calendar were recommitted to the Committees from whence they came.

The following Resolutions of the House were read and adopted:

HR 959. By Representatives Carter of the 175th, Houston of the 170th, Hatchett of the 150th, Roberts of the 155th and Shaw of the 176th:

A RESOLUTION congratulating Barbara Jean Saliba Alexander and Rowland Wayne Alexander on the grand occasion of their 50th wedding anniversary on September 18, 2015; and for other purposes.

HR 960. By Representatives Welch of the 110th, Strickland of the 111th, Rutledge of the 109th, Knight of the 130th and Yates of the 73rd:

A RESOLUTION commending Jake Carter for being recognized as a Champion of Change; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

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.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 202

The Committee of Conference on HB 202 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 202 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Bruce Thompson
Senator, 14th District

/s/ Judson Hill
Senator, 32nd District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Jay Powell
Representative, 171st District

/s/ David W. Knight
Representative, 130th District

/s/ Jack Hill
Senator, 4th District

/s/ Paul Battles
Representative, 15th District

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for a license plate for automobile dealers headquartered in Georgia; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for the comprehensive revision of provisions regarding ad valorem taxation, assessment, and appeal; to modify the penalty for failure to file a return; to modify certain provisions relating to tax executions; to provide a definition; to change the timing of the sale of tax executions; to change certain provisions regarding the publication of ad valorem tax rates; to change certain provisions relating to interest on unpaid ad valorem taxes; to change certain provisions regarding penalties for certain incomplete or improper tax digests; to change certain provisions relating to joint county appraisal staffs and contracting for advice and assistance; to change certain provisions relating to ascertainment of taxable property, assessments and penalties against unreturned property, and changing valuations established by appeal; to repeal certain provisions regarding unreturned property in counties having a population of 600,000 or more; to change certain provisions relating to the time for completion of revision and assessment of returns and submission of completed tax digest to the state revenue commissioner; to change certain provisions relating to the annual notice of current assessment; to provide a cause of action for failure to provide requested information; to revise substantially certain provisions relating to county boards of equalization and ad valorem tax appeals; to provide for an appeal administrator and to specify powers, duties, and functions; to repeal and reenact certain provisions regarding arbitration appeals and court appeals of ad valorem taxes; to change certain provisions relating to examination of county tax digests by the state revenue commissioner and provide that certain assessments and penalties shall not apply during a specified period of time; to change certain provisions relating to the levy and collection of tax by municipalities for independent school systems; to change certain provisions relating to the issuance of mobile home location permits; to provide for increased criminal penalties for failure to attach and display certain mobile home decals; to change certain provisions relating to mobile home tax returns and decal application and issuance; to change certain provisions relating to the alternative ad valorem tax on motor vehicles; to change certain provisions relating to real estate transfer tax exemptions; to change certain provisions relating to real estate transfer tax payment as certain filing prerequisites; to provide for powers, duties, and authority of the Department of Revenue and the state revenue commissioner; to provide for a sales tax exemption for certain private colleges on construction materials; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by adding a new paragraph to Code Section 40-1-1, relating to definitions regarding motor vehicles and traffic, to read as follows:

"(26.1) 'Manufacturer headquarters' means the headquarters operation of:

(A) A manufacturer as defined in paragraph (26) of this Code section; or

(B) An affiliate of a person engaged in the manufacture of vehicles in this or any other state and which operation is conducted primarily at an established place of business in this state."

SECTION 2.

Said title is further amended by revising Code Section 40-2-38, relating to registration and licensing of manufacturers, distributors, and dealers or vehicles, as follows:

"40-2-38.

(a)(1) Manufacturers, distributors, and dealers engaged in the manufacture, sale, or leasing of vehicles required to be registered under Code Section 40-2-20 shall register with the commissioner, making application for a distinguishing dealer's number, specifying the name and make of motor vehicle, tractor, or trailer manufactured, sold, or leased by them, upon forms prepared by the commissioner for such purposes, and pay therefor a fee of $62.00, which shall accompany such application. Upon payment of such fee by a dealer, the commissioner shall furnish to the dealer one master number plate to expire each year in accordance with subsection (f) of this Code section, to be known as a dealer's number and to be distinguished from the number plates provided for in this chapter by different and distinguishing colors to be determined by the commissioner. The dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from the dealer plate for a motor vehicle wholesaler. A dealer's number plate is for the purpose of demonstrating or transporting dealer's vehicles or trailers for sale or lease. Persons engaged in the business of transporting vehicles for a dealer under a vehicle's own power shall be permitted to use such dealer's plate for the purpose of transporting a vehicle.

(2) No dealer may use or permit to be used a dealer's number for private use or on cars for hire, for lease, or other manner not provided for in this Code section. A dealer may use or permit to be used a dealer's number for private use on vehicles owned by the dealership, regardless of whether such vehicle has been issued a certificate of title or registered, when such vehicles are operated by an employee or corporate officer of the dealer which has been issued such number. A distinguishing dealer's number used by an employee or officer for private use shall authorize such person to operate the vehicle to which the number is attached on the public highways and streets. For purposes of this paragraph, 'employee' means a person who works a minimum of 36 hours per week at the dealership.

(3) The manufacturer's or distributor's license plate is limited to no longer than six months' use per vehicle. Upon payment of such a fee by a manufacturer or distributor, the commissioner shall issue to manufacturers and distributors number plates with the word 'Manufacturer' or 'Distributor' on such plates. Nothing in this subsection shall preclude a manufacturer or distributor from using a 'Manufacturer' or 'Distributor' number plate on motor vehicles it owns when such vehicles are used for evaluation or demonstration purposes, notwithstanding incidental personal use by a manufacturer or distributor. A dealer may apply for one or more distinguishing dealer's numbers. In the event the dealers, distributors, or manufacturers desire more than one tag, they shall so state on the application, and, in addition to the fee of $62.00 provided in this Code section, shall pay $12.00 for each and every additional number plate furnished.

(4)(A) Upon application and payment of the required fee, the commissioner shall issue to manufacturer headquarters or its affiliate number license plates with the words 'Manufacturer HQ' on such plates. The manufacturer headquarters license plates must be used exclusively on motor vehicles owned or in possession of a manufacturer headquarters or its affiliate. Such manufacturer headquarters plates are limited to no longer than 24 months' use per vehicle.

(B) A manufacturer headquarters or its affiliate shall apply on a form prescribed by the commissioner and shall provide proof that the applicant:

(i) Is a bona fide manufacturer headquarters; and

(ii) Maintains a system of records regarding use of such license plates. The manufacturer headquarters shall state in each application the number of manufacturer headquarters license plates requested.

(C) The manufacturer headquarters or its affiliate shall pay an application fee of $62.00 per application as provided in this Code section, and shall pay $12.00 for each and every plate furnished. With respect to any manufacturer headquarters license plate issued to a manufacturer headquarters or its affiliate, notwithstanding anything to the contrary in this title or Code Section 48-5C-1, such manufacturer headquarters or its affiliate, and any person operating or possessing a motor vehicle using a manufacturer headquarters license plate pursuant to this paragraph, shall not be subject to state or local title ad valorem tax fees with respect to such vehicle or manufacturer headquarters license plate.

(D) The manufacturer headquarters or its affiliate shall maintain a system of records regarding the motor vehicle to which the manufacturer headquarters license plate will be attached. Such record shall, at a minimum, contain the:

(i) Vehicle Identification Number (VIN);

(ii) Name and address of the primary individual operating the vehicle; and

(iii) Manner of use of the vehicle selected from the alternative uses referenced in subparagraph (E) of this paragraph.

(E) Vehicles with manufacturer headquarters license plates may be operated by persons authorized by the manufacturer headquarters or its affiliate on vehicles of its brand for the following manners of use:

(i) Evaluation, marketing, or demonstration purposes, notwithstanding incidental personal use by a manufacturer headquarters' authorized employee or other authorized person designated by such manufacturer headquarters or its affiliate; or

(ii) As part of a vehicle leasing program operated by such manufacturer headquarters or its affiliate for the benefit of employees. Any operation of a motor vehicle by a person for an approved use pursuant to this subparagraph shall be deemed to be a demonstration of the motor vehicle for purposes of Code Section 48-8-39.

(b) Dealer plates shall be issued in the following manner:

(1) Dealers shall be issued a master plate and two additional plates, for a total of three initial plates; and

(2) In addition to the three dealer plates issued in accordance with paragraph (1) of this subsection, each dealer may also be issued one additional dealer plate for every 20 units sold in a calendar year.

In order to determine the additional number and classification of plates to be issued to a dealer, a dealer shall be required to certify by affidavit to the department the number of retail and wholesale units sold in the prior calendar year using the past motor vehicle sales history of the dealer as identified by department records of documentation approved by the department. If no sales history is available, the department shall issue a number of plates based on an estimated number of sales for the coming calendar year. The department may, in its discretion, request documentation supporting sales history and may increase or decrease the number and classification of plates issued based on actual sales.

(c) This Code section shall not apply in any manner to mopeds as such term is defined in Code Section 40-1-1.

(d) The license plates issued pursuant to this Code section shall be revoked and confiscated upon a determination after a hearing that such dealer, distributor, ~~or~~ manufacturer, or manufacturer headquarters has unlawfully used such license plates in violation of this Code section.

(e) If a license plate issued pursuant to this Code section is lost or stolen, the dealer, manufacturer, distributor, manufacturer headquarters, or other party to whom the license plate was issued must immediately report the lost or stolen plate to local law enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor, manufacturer headquarters, or other party to whom the license plate was issued shall file a notarized affidavit with the department requesting a replacement plate. Such affidavit shall certify under penalty of perjury that the license plate has been lost or stolen and that the loss has been reported to a local law enforcement agency.

(f)(1) The expiration of a license plate issued pursuant to this Code section shall be the last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of this subsection, the registration period shall be determined by the first letter of the legal name of the business listed on the application for registration or renewal of registration. An application for renewal of

registration shall not be submitted earlier than 90 days prior to the last day of the registration period. A penalty of 25 percent of the total registration fees due shall be assessed any person registering pursuant to this Code section who, prior to the expiration of such person's registration period, fails to apply for renewal or if having applied fails to pay the required fees.

(2) A transition period shall commence on October 1, 2007, and conclude on December 31, 2007, for all existing registrations and any new registration applications presented prior to January 1, 2008. On or after January 1, 2008, new applications for registration shall be submitted and remain valid until the expiration of such registration as specified in paragraph (1) of this subsection.

(g) The commissioner shall adopt rules and regulations for the implementation of this Code section."

SECTION 3.

Said title is further amended by revising paragraph (2) of Code Section 40-3-4, relating to exclusions from motor vehicle titling, as follows:

"(2) A vehicle owned by a manufacturer of or dealer in vehicles and held for sale, even though incidentally used on the highway or used for purpose of testing or demonstration; a vehicle owned by a manufacturer headquarters or its affiliate and registered and licensed pursuant to Code Section 40-2-38; a vehicle owned by a dealer in vehicles but used by any Georgia public or private school for driver education purposes; or a vehicle used by a manufacturer solely for testing; except that all dealers acquiring new vehicles after July 1, 1962, from a manufacturer for resale shall obtain such evidence of origin of title from the manufacturer as the commissioner shall by rule and regulation prescribe;"

SECTION 4.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising Code Section 48-2-44, relating to the penalty for failure to file a return or pay revenue held in trust for the state, as follows:

"48-2-44.

(a) In any instance in which any person willfully fails to file a report, return, or other information required by law or willfully fails to pay the commissioner any revenue held in trust for the state, ~~he~~ such person shall pay, in the absence of a specific statutory civil penalty for the failure, a penalty of 10 percent of the amount of revenue held in trust and not paid on or before the time prescribed by law, together with interest on the principal amount at the rate specified in Code Section 48-2-40 from the date the return should have been filed or the revenue held in trust should have been remitted until it is paid.

(b)(1) In any instance in which any person willfully fails, on or after July 1, 1981, to pay, within 90 days of the date when due, any ad valorem tax owed the state or any local government, ~~he~~ such person shall pay, in the absence of a specific statutory civil penalty for the failure, a penalty of 10 percent of the amount of tax due and not paid

~~on or before the time prescribed by law~~ at the time such penalty is assessed, together with interest as specified by law. This 10 percent penalty shall not, however, apply in the case of:

(A) Ad valorem taxes of $500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title; or

(B) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(2) Any city or county authorized as of April 22, 1981, by statute or constitutional amendment to receive a penalty of greater than 10 percent for failure to pay an ad valorem tax is authorized to continue to receive that amount.

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

(A) Penalties collected for failure to return property for ad valorem taxation or for failure to pay ad valorem taxes, and interest earned by the tax commissioner on taxes collected but not yet disbursed, shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall remain the property of the county; and

(B) Interest collected on delinquent ad valorem taxes shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the interest was computed."

SECTION 5.

Said title is further amended by revising subsection (e) of Code Section 48-3-3, relating to issuance of tax executions, as follows:

"(e)(1)(A) Whenever technologically feasible, the tax collector or tax commissioner, at the time tax bills or any subsequent delinquent notices are mailed, shall also mail such bills or notices to any new owner that at that time appear in the records of the county board of tax assessors. The bills or notices shall be mailed to the address of record as found in the county board of tax assessors' records.

(B)(i) In the discretion of the tax commissioner, a taxpayer shall have the option of receiving tax bills or subsequent delinquent notices via electronic transmission in lieu of, or in addition to, receiving a paper bill via first-class mail. The tax bill shall be transmitted to the taxpayer via e-mail, with delivery or read receipt requested, in portable document format using all e-mail addresses provided by the taxpayer, and the date shown on such transmission shall serve as a postmark. In any instance where such transmission proves undeliverable, the tax commissioner

shall mail such tax bill or subsequent delinquent notice to the address of record as found in the county board of tax assessors' records.

(ii) The commissioner shall develop and make available to tax commissioners a suitable form for use by taxpayers in exercising the option to receive tax bills or subsequent delinquent notices via electronic transmission.

(2) A new ~~purchaser of property~~ owner shall not be required to pay the interest specified in Code Section 48-2-40, or the penalty specified in Code Section 48-2-44, until 60 days after the tax collector or tax commissioner has forwarded a tax bill to the new ~~purchaser~~ owner in accordance with paragraph (1) of this subsection. This paragraph shall apply only to the tax bill applicable to the year in which the property was purchased."

SECTION 6.

Said title is further amended by revising Code Section 48-3-27, relating to the penalty for obstructing levying officers, as follows:

"48-3-27.

(a) It is unlawful for any person knowingly and willfully to obstruct or hinder ~~the~~:

(1) The commissioner or his or her authorized representatives in the levy of a state tax execution~~.~~; or

(2) Any sheriff, ex officio sheriff, tax commissioner, or municipal levy officer in the levy of a state, county, or municipal tax execution.

(b) Any person who violates this Code section shall be guilty of a misdemeanor."

SECTION 7.

Said title is further amended in Code Section 48-5-32, relating to publication of ad valorem tax rates, by revising subsection (b) as follows:

"(b)(1) Each levying authority and each recommending authority shall cause a report to be published in a newspaper of general circulation throughout the county and posted on such authority's website, if available:

~~(1)~~(A) At least ~~two weeks~~ one week prior to the certification of any recommending authority to the levying authority of such recommending authority's recommended school tax for the support and maintenance of education pursuant to Article VIII, Section VI, Paragraph I of the Constitution; and

~~(2)~~(B) At least ~~two weeks~~ one week prior to the establishment by each levying authority of the millage rates for ad valorem taxes for educational purposes and ad valorem taxes for purposes other than educational purposes for the current calendar year.

(2) Such reports shall be in a prominent location in such newspaper and shall not be included with legal advertisements, and such reports shall be posted in a prominent location on such authority's website, if available. The size and location of the advertisements shall not be grounds for contesting the validity of the levy."

SECTION 8.

Said title is further amended in Code Section 48-5-148, relating to interest on unpaid ad valorem taxes, by revising paragraph (3) of subsection (a) as follows:

"(3) In the discretion of the tax commissioner, a taxpayer shall have the option of receiving notices of taxes due via electronic transmission in lieu of, or in addition to, receiving a paper bill via first-class mail. The tax bill shall be transmitted to the taxpayer via e-mail, with delivery or read receipt requested, in portable document format using all e-mail addresses provided by the taxpayer, and the date shown on such transmission shall serve as a postmark. In any instance where such transmission proves undeliverable, the tax commissioner shall mail a bill to the address of record as found in the county board of tax assessors' records. ~~After notices of taxes due are mailed out, each~~ Each taxpayer shall be afforded 60 days from date of postmark to make full payment of taxes due before the taxes shall bear interest as provided in this Code section. The time period for payment provided for by this ~~This~~ paragraph shall not apply in those counties in which a lesser time has been provided by law."

SECTION 9.

Said title is further amended in Code Section 48-5-205, relating to penalties for certain incomplete or improper tax digests, by revising subsection (a) as follows:

"(a) If a tax receiver or tax commissioner fails to have his or her digest completed and deposited by ~~August~~ September 1 in each year, unless excused by provisions of law or by the commissioner, ~~he~~ such tax receiver or tax commissioner shall forfeit one-tenth of his or her commissions for each week's delay. If the delay extends beyond 30 days, such tax receiver or tax commissioner ~~he~~ shall forfeit one-half of his or her commissions. If the delay extends beyond the time when the Governor and commissioner fix the rate percentage, ~~he~~ such tax receiver or tax commissioner shall forfeit all ~~his~~ such tax receiver's or tax commissioner's commissions."

SECTION 10.

Said title is further amended by revising Code Section 48-5-265, relating to joint county appraisal staffs and contracting for advice and assistance, as follows:

"48-5-265.

(a)(1) The governing authorities of any two or more ~~Contiguous Class I~~ counties may join together and ~~contract to~~ by intergovernmental agreement create a joint county property appraisal staff following consultation with the county boards of tax assessors of such counties. Under any such ~~contract~~ intergovernmental agreement, the parcels of real property within the ~~contracting~~ counties subject to the intergovernmental agreement shall be totaled, and the counties shall be deemed one county for purposes of determining the class of the counties, the resulting minimum staff requirements, and the amount of money to be received from the department. The costs of the joint county property appraisal staff shall be ~~shared, each county's share to be based upon the ratio which the number of parcels of real property in each contracting county bears to the total number of parcels of real property in all the contracting counties. Any~~

~~number of Class I counties may join together to create a joint county property appraisal staff~~ determined in the intergovernmental agreement.

(2) The governing authorities of any two or more counties may execute an intergovernmental agreement to provide for the sharing of one or more designated members of property appraisal staff following consultation with the county boards of tax assessors of such counties. The costs of such shared staff members shall be determined in the intergovernmental agreement.

(b) The governing authorities of any two or more counties may join together and by intergovernmental agreement ~~Each Class I county may contract with a contiguous county which has a minimum county property appraisal staff to~~ carry out this part following consultation with the county boards of tax assessors of such counties. ~~Counties contracting in this manner~~ All counties subject to an intergovernmental agreement under this subsection shall retain their separate character for the purpose of determining the class and minimum staff requirements for each ~~contracting~~ county.

(c)(1) Any ~~Each Class I~~ county, at its discretion, may enter into contracts with persons to render advice or assistance to the county board of tax assessors ~~and to the county board of equalization~~ in the assessment and equalization of taxes ~~and to perform such other ministerial duties as are necessary and appropriate to carry out this part~~, the establishment of property valuations, or the defense of such valuations. Such advice and assistance shall be in compliance with the laws of this state and the rules and regulations of the commissioner. Individuals performing services under such contracts shall complete satisfactorily such training courses as directed by the commissioner. The function of any person contracting to render such services shall be advisory or ministerial, ~~only~~ and the final decision as to the amount of assessments and the equalization of assessments shall be made by the county board of tax assessors ~~and the county board of equalization~~ and shall be set forth in the minutes of the county board of tax assessors.

(2) No contract entered into pursuant to paragraph (1) of this subsection shall contain any provision authorizing payment to any person contracted with, or to any person employed by any person contracted with, upon a percentage basis or upon any basis under which compensation is dependent or conditioned in any way upon increasing or decreasing the aggregate assessment of property in the county. Any contract or provision of a contract which is in violation of this paragraph ~~is~~ shall be void and unenforceable."

SECTION 11.

Said title is further amended by revising paragraph (8) of subsection (b) of Code Section 48-5-274, relating to the establishment of the equalized adjusted property tax index, as follows:

"(8) Establish for each county in the state the ratio of assessed value to fair market value of county property subject to taxation, excluding railroad equipment company property. The ratio shall be determined by establishing the ratio of assessed value to sales price for each of a representative number of parcels of real property, the titles to

which were transferred during a period of time to be determined by the state auditor, and then by establishing the measure of central tendency for the county as a whole based upon a representative number of usable transactions studied. Any such sales price shall be adjusted upward or downward, in a manner consistent with the Standard on Ratio Studies published by the International Association of Assessing Officers or its successors, as reasonably needed to account for the effects of price changes reflected in the market between the date of sale and January 1 of the calendar year for which the equalized adjusted property tax digest is being prepared. Sales prices also shall be reduced by any portion thereof attributable to personal property, real property exempt from taxation, or standing timber included in the sales transaction. The representative number of transactions shall not include any parcel of which the sales price is not reflective of the fair market value of such property as fair market value is defined in Code Section 48-5-2. The state auditor shall supplement realty sales price data available in any county with actual appraisals of a representative number of parcels of farm property and industrial and commercial property located within the county, the titles to which were not transferred within the period of time determined by the state auditor. The state auditor may make appraisals on other types of real property located within the county when adequate realty sales data cannot be obtained on such property. The representative number of parcels of each class of real property as defined by the commissioner used for the study shall be determined by the state auditor. The state auditor may use the same ratio for other personal property, excluding motor vehicles, within the county as is finally determined for real property within the county."

SECTION 12.

Said title is further amended in Code Section 48-5-299, relating to ascertainment of taxable property, assessments and penalties against unreturned property, and changing valuations established by appeal, by revising subsections (b) and (c) as follows:

"(b)~~(1) In all cases where unreturned property is assessed by the county board of tax assessors after the time provided by law for making tax returns has expired, the board shall add to the amount of state and county taxes due a penalty of 10 percent of the amount of the tax due or, if the principal sum of the tax so assessed is less than $10.00 in amount, a penalty of $1.00. The penalty provided in this subsection shall be collected by the tax collector or the tax commissioner and in all cases shall be paid into the county treasury and shall remain the property of the county.~~

~~(2)(A) The provisions of paragraph (1) of this subsection to the contrary notwithstanding, this paragraph shall apply with respect to counties having a population of 600,000 or more according to the United States decennial census of 1970 or any future such census.~~

~~(B)~~ In all cases in which unreturned personal property is assessed by the board after the time provided by law for making tax returns has expired, the board shall add to the assessment of the property a penalty of 10 percent, which shall be included as a part of the taxable value for the year.

(c) ~~Real property,~~ When the value of ~~which was~~ real property is reduced or is unchanged from the value on the initial annual notice of assessment and such valuation is established ~~by an appeal~~ as the result of either an appeal decision rendered pursuant to Code Section 48-5-311 or stipulated by agreement of the parties to such an appeal that this subsection shall apply in any year, ~~that has not been returned by the taxpayer at a different value during the next two successive years,~~ the valuation so established by appeal decision or agreement may not be ~~changed~~ increased by the board of tax assessors during ~~such~~ the next two successive years, subject to the following exceptions: ~~for the sole purpose of changing the valuation established or decision rendered in an appeal to the board of equalization or superior court. In such cases, before changing such value or decision, the board of assessors shall first conduct an investigation into factors currently affecting the fair market value. The investigation necessary shall include, but not be limited to, a visual on-site inspection of the property to ascertain if there have been any additions, deletions, or improvements to such property or the occurrence of other factors that might affect the current fair market value. If a review to determine if there are any errors in the description and characterization of such property in the files and records of the board of tax assessors discloses any errors, such errors shall not be the sole sufficient basis for increasing the valuation during the two-year period.~~

(1) This subsection shall not apply to a valuation established by an appeal decision if the taxpayer or his or her authorized representative failed to attend the appeal hearing or provide the board of equalization, hearing officer, or arbitrator with some written evidence supporting the taxpayer's opinion of value;

(2) This subsection shall not apply to a valuation established by an appeal decision or agreement if the taxpayer files a return at a different valuation during the next two successive years;

(3) If the taxpayer files an appeal pursuant to Code Section 48-5-311 during the next two successive years, the board of equalization, hearing officer, or arbitrator may increase or decrease the value of the real property based on the evidence presented by the parties during the appeal process; and

(4) The board of tax assessors may increase or decrease the value of the real property if, after a visual on-site inspection of the property, it is found that there have been substantial additions, deletions, or improvements to such property or that there are errors in the board of tax assessors' records as to the description or characterization of the property, or the board of tax assessors finds an occurrence of other material factors that substantially affect the current fair market value of such property."

SECTION 13.

Said title is further amended by revising Code Section 48-5-302, relating to the time for completion of revision and assessment of returns and submission of completed tax digest to the state revenue commissioner, as follows:

"48-5-302.

Each county board of tax assessors shall complete its revision and assessment of the returns of taxpayers in its respective county by July ~~1~~ 15 of each year, except that, in all counties providing for the collection and payment of ad valorem taxes in installments, such date shall be June 1 of each year. The tax receiver or tax commissioner shall then immediately forward one copy of the completed digest to the commissioner for examination and approval."

SECTION 14.

Said title is further amended in Code Section 48-5-306, relating to annual notice of current assessment, by revising division (b)(2)(A)(iii), subparagraph (b)(2)(B), and subsection (d) as follows:

"(iii) For a parcel of nonhomestead property with a fair market value in excess of ~~$1 million~~ $750,000.00, or for one or more account numbers of wireless property as defined in subparagraph (e.1)(1)(B) of Code Section 48-5-311 with an aggregate fair market value in excess of $750,000.00, to a hearing officer with appeal to the superior court."

"(B) The notice shall also contain the following ~~statement~~ statements in bold print: 'The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.'"

"(d) **Records and information availability.** Notwithstanding the provisions of Code Section 50-18-71, in the case of all public records and information of the county board of tax assessors pertaining to the appraisal and assessment of real property:

(1) The taxpayer may request, and the county board of tax assessors shall provide within ten business days, copies of such public records and information, including, but not limited to, a description of the methodology used by the board of tax assessors in setting the property's fair market value, all documents reviewed in making the assessment, the address and parcel identification number of all real property utilized as qualified comparable properties, and all factors considered in establishing the new assessment, at a uniform copying fee not to exceed 25¢ per page; ~~and~~

(2) No additional charges or fees may be collected from the taxpayer for reasonable search, retrieval, or other administrative costs associated with providing such public records and information; and

(3)(A) The superior courts of this state shall have jurisdiction in law and in equity to entertain actions against the board of tax assessors to enforce compliance with the provisions of this subsection.

(B) In any action brought to enforce the provisions of this subsection in which the court determines that either party acted without substantial justification either in not complying with this subsection or in instituting the litigation, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether

the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought."

SECTION 15.

Said title is further amended in Code Section 48-5-311, relating to county boards of equalization and ad valorem tax appeals, by revising subsections (a) through (e) and (h) through (o) and by adding new subsections to read as follows:

"(a) ~~**Establishment**~~ **Definition.**

As used in this Code section, the term 'appeal administrator' means the clerk of the superior court.

(a.1) **Appeal administrator.**

(1) The appeal administrator is vested with administrative authority in all other matters governing the conduct and business of the boards of equalization so as to provide oversight and supervision of such boards.

(2) It shall be the duty of the appeal administrator to receive any complaint filed with respect to the official actions of any member of a county board of equalization regarding technical competency, compliance with state law and regulations, or rude or unprofessional conduct or behavior toward any member of the public and to forward such complaint to the grand jury for investigation. Following an investigation, the grand jury shall issue a written report of its findings, which shall include such evaluations, judgments, and recommendations as it deems appropriate. The findings of the report may be grounds for removal of a member of the board of equalization by the grand jury for failure to perform the duties required under this Code section.

(a.2) **Establishment of boards of equalization.**

(1) Except as otherwise provided in this subsection, there is established in each county of ~~the~~ this state a county board of equalization to consist of three members and three alternate members appointed in the manner and for the term set forth in this Code section. In those counties having more than 10,000 parcels of real property, the county governing authority, by appropriate resolution adopted on or before November 1 of each year, may elect to have selected one additional county board of equalization for each 10,000 parcels of real property in the county or for any part of a number of parcels in the county exceeding 10,000 parcels.

(1.1) The grand jury shall be authorized to conduct a hearing following its receipt of the report of the appeal administrator under paragraph (2) of subsection (a.1) of this Code section and to remove one or more members of the board of equalization for failure to perform the duties required under this Code section.

(2) Notwithstanding any part of this subsection to the contrary, at any time the governing authority of a county makes a request to the grand jury of the county for additional alternate members of boards of equalization, the grand jury shall appoint the number of alternate members so requested to each board of equalization, such number not to exceed a maximum of 21 alternate members for each of the boards. The alternate members of the boards shall be duly qualified and authorized to serve on

any of the boards of equalization of the county. The ~~grand jury of any such county~~ members of each board of equalization may designate a chairperson and two vice chairpersons of each such board of equalization. ~~The chairperson and vice chairpersons shall be vested with full administrative authority in calling and conducting the business of the board.~~ The appeal administrator shall have administrative authority in all matters governing the conduct and business of the boards of equalization so as to provide oversight and supervision of such boards and scheduling of appeals. Any combination of members or alternate members of any such board of equalization of the county shall be competent to exercise the power and authority of the board. Any person designated as an alternate member of any such board of equalization of the county shall be competent to serve in such capacity as provided in this Code section upon appointment and taking of oath.

(3) Notwithstanding any provision of this subsection to the contrary, in any county of this state having a population of 400,000 or more according to the United States decennial census of 1990 or any future such census, the governing authority of the county, by appropriate resolution adopted on or before November 1 of each year, may elect to have selected one additional county board of equalization for each 10,000 parcels of real property in the county or for any part of a number of parcels in the county exceeding 10,000 parcels. In addition to the foregoing, any two members of a county board of equalization of the county may decide an appeal from an assessment, notwithstanding any other provisions of this Code section. The decision shall be in writing and signed by at least two members of the board of equalization; and, except for the number of members necessary to decide an appeal, the decision shall conform to the requirements of this Code section.

(4) The governing authorities of two or more counties may by intergovernmental agreement establish regional boards of equalization for such counties which shall operate in the same manner and be subject to all of the requirements of this Code section specified for county boards of equalization. The intergovernmental agreement shall specify the manner in which the members of the regional board shall be appointed by the grand jury of each of the counties, ~~and~~ shall specify which ~~clerk of the superior court~~ appeal administrator shall have oversight over and supervision of such regional board, and shall provide for funding from each participating county for the operations of the appeal administrator as required by subparagraph (d)(4)(C.1) of this Code section. All hearings and appeals before a regional board shall be conducted in the county in which the property which is the subject of the hearing or appeal is located.

(b) **Qualifications of board of equalization members.**

(1) Each person who is, in the judgment of the appointing grand jury, qualified and competent to serve as a grand juror, who is the owner of real property located in the county where such person is appointed to serve, or, in the case of a regional board of equalization, is the owner of real property located in any county in the region where such person is appointed to serve, and who is at least a high school graduate shall be qualified, competent, and compellable to serve as a member or alternate member of

the county board of equalization. No member of the governing authority of a county, municipality, or consolidated government; member of a county or independent board of education; member of the county board of tax assessors; employee of the county board of tax assessors; or county tax appraiser shall be competent to serve as a member or alternate member of the county board of equalization.

(2)(A) Each person seeking to be appointed as a member or alternate member of a county board of equalization shall, not later than immediately prior to the time of his or her appointment under subsection (c) of this Code section, file with the clerk of the superior court a uniform application form which shall be a public record. The Council of Superior Court Clerks of Georgia created under Code Section 15-6-50.2 shall design the form which indicates the applicant's education, employment background, experience, and qualifications for such appointment.

(B)(i) Within the first year after a member's initial appointment to the board of equalization ~~on or after January 1, 1981,~~ each member shall satisfactorily complete not less than 40 hours of instruction in appraisal and equalization processes and procedures, as prepared and required by the commissioner pursuant to Code Section 48-5-13.

(ii) On or after January 1, 2016, following the completion of each term of office, a member shall, within the first year of appointment to the subsequent term of office, complete satisfactorily not less than 20 hours of instruction in appraisal and equalization processes and procedures, as prepared and required by the commissioner for newly appointed members.

(iii) No person shall be eligible to hear an appeal as a member of a board of equalization unless, prior to hearing such appeal, such person shall satisfactorily complete the 20 hours of instruction in appraisal and equalization processes and procedures required under the applicable provisions of division (i) or (ii) of this subparagraph.

(iv) The failure of any member to fulfill the requirements of the applicable provisions of division (i) or (ii) of this subparagraph shall render ~~that~~ such member ineligible to serve on the board; and the vacancy created thereby shall be filled in the same manner as other vacancies on the board are filled.

~~(B)~~(C)(i) ~~No person shall be eligible to hear an appeal as a member of a board of equalization on or after January 1, 2011, unless prior to hearing such appeal, that person shall satisfactorily complete the 40 hours of instruction in appraisal and equalization processes and procedures required under subparagraph (A) of this paragraph~~. Any person appointed to ~~such~~ a board of equalization shall be required to complete annually a continuing education requirement of at least eight hours of instruction in appraisal and equalization procedures, as prepared and required by the commissioner pursuant to Code Section 48-5-13.

(ii) The failure of any member to fulfill the requirements of division (i) of this subparagraph shall render ~~that~~ such member ineligible to serve on the board; and the vacancy created thereby shall be filled in the same manner as other vacancies on the board are filled.

(c) **Appointment of board of equalization members.**

(1) Except as provided in paragraph (2) of this subsection, each member and alternate member of the county board of equalization shall be appointed for a term of three calendar years next succeeding the date of such member or such alternate member's selection. Each term shall begin on January 1.

(2) The grand jury in each county at any term of court preceding November 1 of 1991 shall select three persons who are otherwise qualified to serve as members of the county board of equalization and shall also select three persons who are otherwise qualified to serve as alternate members of the county board of equalization. The three individuals selected as alternates shall be designated as alternate one, alternate two, and alternate three, with the most recent appointee being alternate number three, the next most recent appointee being alternate number two, and the most senior appointee being alternate number one. One member and one alternate shall be appointed for terms of one year, one member and one alternate shall be appointed for two years, and one member and one alternate shall be appointed for three years. Each year thereafter, the grand jury of each county shall select one member and one alternate for three-year terms.

(3) If a vacancy occurs on the county board of equalization, the individual designated as alternate one shall then serve as a member of the board of equalization for the unexpired term. If a vacancy occurs among the alternate members, the grand jury then in session or the next grand jury shall select an individual who is otherwise qualified to serve as an alternate member of the county board of equalization for the unexpired term. The individual so selected shall become alternate member three, and the other two alternates shall be redesignated appropriately.

(4) Within five days after the names of the members and alternate members of the county board or boards of equalization have been selected, the clerk of the superior court shall ~~issue and deliver~~ cause such appointees to appear before the clerk of the superior court for the purpose of taking and executing in writing the oath of office. The clerk of the superior court may utilize any means necessary for such purpose, including, but not limited to, telephonic or other communication, regular first-class mail, or issuance of and delivery to the sheriff or deputy sheriff a precept containing the names of the persons so selected. Within ten days of receiving the precept, the sheriff or deputy sheriff shall cause the persons whose names are written on the precept to be served personally or by leaving the summons at their place of residence. The summons shall direct the persons named on the summons to appear before the clerk of the superior court on a date specified in the summons, which date shall not be later than December 15.

(5) Each member and alternate member of the county board of equalization, on the date prescribed for appearance before the clerk of the superior court and before entering on the discharge of such member and alternate member's duties, shall take and execute in writing before the clerk of the superior court the following oath:

'I, _____, agree to serve as a member of the board of equalization of the County of _____ and will decide any issue put before me without favor

or affection to any party and without prejudice for or against any party. I will follow and apply the laws of this state. I also agree not to discuss any case or any issue with any person other than members of the board of equalization except at any appeal hearing. I shall faithfully and impartially discharge my duties in accordance with the Constitution and laws of this state, to the best of my skill and knowledge. So help me God.

_____

Signature of member or alternate member'

In addition to the oath of office prescribed in this paragraph, the presiding or chief judge of the superior court or ~~his or her designee~~ the appeal administrator shall charge each member and alternate member of the county board of equalization with the law and duties relating to such office.

(d) **Duties and powers of board of equalization members.**

(1) The county board of equalization shall hear and determine appeals from assessments and denials of homestead exemptions as provided in subsection (e) of this Code section.

(2) If, in the course of determining an appeal, the county board of equalization finds reason to believe that the property involved in an appeal or the class of property in which is included the property involved in an appeal is not uniformly assessed with other property included in the digest, the board shall request the respective parties to the appeal to present relevant information with respect to that question. If the board determines that uniformity is not present, the board may order the county board of tax assessors to take such action as is necessary to obtain uniformity, except that, when a question of county-wide uniformity is considered by the board, the board may recommend a partial or total county-wide revaluation only upon a determination by a majority of all the members of the board that the clear and convincing weight of the evidence requires such action. The board of equalization may act pursuant to this paragraph whether or not the appellant has raised the issue of uniformity.

(3) The board shall establish procedures which comply strictly with the regulations promulgated by the commissioner pursuant to subparagraph ~~(e)(5)(B)~~ (e)(1)(D) of this Code section for the conducting of appeals before the board. The procedures shall be entered into the minutes of the board, and a copy of the procedures shall be made available to any individual upon request.

(4)(A) The ~~clerk of the superior court~~ appeal administrator shall have oversight over and supervision of all boards of equalization of the county and hearing officers. This oversight and supervision shall include, but not be limited to, requiring appointment of members of county boards of equalization by the grand jury; giving the notice of the appointment of members and alternates of the county board of equalization by the county grand jury as required by Code Section 15-12-81; collecting the names of possible appointees; collecting information from possible appointees as to their qualifications; presenting the names of the possible appointees to the county grand jury; processing the appointments as required by paragraph (4) of subsection (c) of this Code section, including administering the oath of office to

the newly appointed members and alternates of the county board of equalization as required by paragraph (5) of such subsection; instructing the newly appointed members and alternates as to the training they must receive and the operations of the county board of equalization; presenting to the grand jury of the county the names of possible appointees to fill vacancies as provided in paragraph (3) of such subsection; maintaining a roster of board members and alternates, maintaining a record showing that the board members and alternates completed training, keeping attendance records of board members and alternates for the purpose of payment for service, and maintaining the uniform application forms and keeping a record of the appointment dates of board members and alternates and their terms in office; and informing the county board of equalization that it must establish by regulation procedures for conducting appeals before the board as required by paragraph (3) of this subsection ~~(d) of this Code section~~. Oversight and supervision shall also include the scheduling of board hearings, assistance in scheduling hearings before hearing officers, and giving notice of the date, time, and place of hearings to the taxpayers and the county board of tax assessors and giving notice of the decisions of the county board of equalization or hearing officer to the taxpayer and county board of tax assessors as required by division (e)(6)(D)(i) of this Code section.

(B) The county governing authority shall provide any resources to the ~~clerk of superior court~~ appeal administrator that are required to be provided by paragraph (7) of subsection (e) of this Code section.

(C) The county governing authority shall provide to the ~~clerk of superior court~~ appeal administrator facilities and secretarial and clerical help for appeals pursuant to subsection (e.1) of this Code section.

(C.1) The operations of the appeal administrator under this Code section shall, for budgeting purposes, constitute a distinct budget unit within the county budget that is separate from the operations of the clerk of the superior court. The appeal administrator budget unit shall contain a separate line item for the compensation of the appeal administrator for the performance of duties required under this Code section as well as separate lines items for resources, facilities, and personnel as specified under subparagraphs (B) and (C) of this paragraph.

(D) The ~~clerk of superior court~~ appeal administrator shall maintain any county records of all notices to the taxpayer and the taxpayer's attorney, of certified receipts of returned or unclaimed mail, and from the hearings before the board of equalization and before hearing officers ~~until~~ for 12 months after the deadline to file any appeal to the superior court expires. If an appeal is not filed to the superior court, the ~~clerk of superior court~~ appeal administrator is authorized to properly destroy any records from the hearings before the county board of equalization or hearing officers but shall maintain records of all notices to the taxpayer and the taxpayer's attorney and certified receipts of returned or unclaimed mail for 12 months. If an appeal to the superior court is filed, the ~~clerk of superior court~~ appeal administrator shall file such appeal and records in the civil action that is considered open by the clerk of superior court for such appeal, and such records shall become

part of the record on appeal in accordance with paragraph (2) of subsection (g) of this Code section.

(e) **Appeal.**

(1)(A) Any taxpayer or property owner as of the last date for filing an appeal may elect to file an appeal from an assessment by the county board of tax assessors to ~~either~~:

(i) The county board of equalization as to matters of taxability, uniformity of assessment, and value, and, for residents, as to denials of homestead exemptions pursuant to paragraph (2) of this subsection;

(ii) An arbitrator as to matters of value pursuant to subsection (f) of this Code section; ~~or~~

(iii) A hearing officer as to matters of value and uniformity of assessment for a parcel of nonhomestead real property with a fair market value in excess of ~~$1 million~~ $750,000.00 as shown on the taxpayer's annual notice of current assessment under Code Section 48-5-306, and any contiguous nonhomestead real property owned by the same taxpayer, pursuant to subsection (e.1) of this Code section; or

(iv) A hearing officer as to matters of values or uniformity of assessment of one or more account numbers of wireless property as defined in subparagraph (e.1)(1)(B) of this Code section with an aggregate fair market value in excess of $750,000.00 as shown on the taxpayer's annual notice of current assessment under Code Section 48-5-306, pursuant to subsection (e.1) of this Code section.

(A.1) The commissioner shall establish by rule and regulation a uniform appeal form that the taxpayer may use. Such uniform appeal form shall require the initial assertion of a valuation of the property by the taxpayer.

(B) In addition to the grounds enumerated in subparagraph (A) of this paragraph, any taxpayer having property that is located within a municipality, the boundaries of which municipality extend into more than one county, may also appeal from an assessment on such property by the county board of tax assessors to the county board of equalization, ~~or~~ to a hearing officer, or to arbitration as to matters of uniformity of assessment of such property with other properties located within such municipality, and any uniformity adjustments to the assessment that may result from such appeal shall only apply for municipal ad valorem tax purposes.

(B.1) The taxpayer or his or her agent or representative may submit in support of his or her appeal an appraisal given, signed, and certified as such by a real property appraiser as classified by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board which was performed not later than nine months prior to the date of assessment. The board of tax assessors shall consider the appraisal upon request. Within 45 days of the receipt of the taxpayer's appraisal, the board of tax assessors shall notify the taxpayer or his or her agent or representative of acceptance of the appraisal or shall notify the taxpayer or his or her agent or representative of the reasons for rejection.

(B.2) The taxpayer or his or her agent or representative may submit in support of his or her appeal the most current report of the sales ratio study for the county conducted pursuant to Code Section 48-5-274. The board of tax assessors shall consider such sales ratio study upon request of the taxpayer or his or her agent or representative.
(B.3) Any assertion of value by the taxpayer on the uniform appeal form made to the board of tax assessors shall be subject to later amendment or revision by the taxpayer by submission of written evidence to the board of tax assessors.
(B.4) If more than one property of a taxpayer is under appeal, the board of equalization, arbitrator, or hearing officer, as the case may be, shall, upon request of the taxpayer, consolidate all such appeals in one hearing and shall announce separate decisions as to each parcel or item of property. Any appeal from such a consolidated hearing to the superior court as provided in subsection (g) of this Code section shall constitute a single civil action and, unless the taxpayer specifically so indicates in the taxpayer's notice of appeal, shall apply to all such parcels or items of property.
(B.5) Within ten days of a final determination of value under this Code section and the expiration of the 30 day appeal period provided by subsection (g) of this Code section, or, as otherwise provided by law, with no further option to appeal, the county board of tax assessors shall forward such final determination of value to the tax commissioner.
(C) Appeals to the county board of equalization shall be conducted in the manner provided in paragraph (2) of this subsection. Appeals to a hearing officer shall be conducted in the manner specified in subsection (e.1) of this Code section. Appeals to an arbitrator shall be conducted in the manner specified in subsection (f) of this Code section. Such appeal proceedings shall be conducted between the hours of 8:00 A.M. and 7:00 P.M. on a business day. Following the notification of the taxpayer of the date and time of such taxpayer's scheduled hearing, the taxpayer shall be authorized to exercise a one-time option of changing the date and time of the taxpayer's scheduled hearing to a day and time acceptable to the taxpayer and the county board of tax assessors. The ~~clerk of the superior court~~ appeal administrator shall grant additional extensions to the taxpayer or the county board of tax assessors for good cause shown, or by agreement of the parties.
(D) The commissioner, by regulation, shall adopt uniform procedures and standards which shall be followed by county boards of equalization, hearing officers, and arbitrators in determining appeals. Such rules shall be updated and revised periodically and reviewed no less frequently than every five years. The commissioner shall publish and update annually a manual for use by county boards of equalization, arbitrators, and hearing officers.
(2)(A) **Appeal to board of equalization.** An appeal shall be effected by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, ~~or~~ by mailing to, or by filing with the county board of tax assessors a notice of appeal within 45 days from the date of mailing the notice

pursuant to Code Section 48-5-306. A written objection to an assessment of real property received by a county board of tax assessors stating the location of the real property and the identification number, if any, contained in the tax notice shall be deemed a notice of appeal by the taxpayer under the grounds listed in paragraph (1) of this subsection. A written objection to an assessment of personal property received by a county board of tax assessors giving the account number, if any, contained in the tax notice and stating that the objection is to an assessment of personal property shall be deemed a notice of appeal by the taxpayer under the grounds listed in paragraph (1) of this subsection. The county board of tax assessors shall review the valuation or denial in question, and, if any changes or corrections are made in the valuation or decision in question, the board shall send a notice of the changes or corrections to the taxpayer pursuant to Code Section 48-5-306. Such notice shall also explain the taxpayer's right to appeal to the county board of equalization as provided in subparagraph (C) of this paragraph if the taxpayer is dissatisfied with the changes or corrections made by the county board of tax assessors.

(B) If no changes or corrections are made in the valuation or decision, the county board of tax assessors shall send written notice thereof to the taxpayer, to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent, and to the county board of equalization which notice shall also constitute the taxpayer's appeal to the county board of equalization without the necessity of the taxpayer's filing any additional notice of appeal to the county board of tax assessors or to the county board of equalization. The county board of tax assessors shall also send or deliver all necessary papers to the county board of equalization. If, however, the taxpayer and the county board of tax assessors execute a signed agreement as to valuation, the appeal shall terminate as of the date of such signed agreement.

(C) If changes or corrections are made by the county board of tax assessors, the board shall notify the taxpayer in writing of such changes. The commissioner shall develop and make available to county boards of tax assessors a suitable form which shall be used in such notification to the taxpayer. The notice shall be sent by regular mail properly addressed to the address or addresses the taxpayer provided to the county board of tax assessors and to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent. If the taxpayer is dissatisfied with such changes or corrections, the taxpayer shall, within 30 days of the date of mailing of the change notice, ~~institute an~~ notify the county board of tax assessors to continue the taxpayer's appeal to the county board of ~~tax assessors~~ equalization by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax assessors a written notice of ~~appeal~~ continuance. The county board of tax assessors shall send or deliver the notice of appeal and all necessary papers to the county board of equalization.

(D) The written notice to the taxpayer required by this paragraph shall contain a statement of the grounds for rejection of any position the taxpayer has asserted with regard to the valuation of the property. No addition to or amendment of such grounds as to such position shall be permitted before the county board of equalization.

(3)(A) In ~~any~~ each year ~~in which no county-wide revaluation is implemented~~, the county board of tax assessors shall ~~make its determination~~ review the appeal and notify the taxpayer of any corrections or changes within 180 days after receipt of the taxpayer's notice of appeal. If the county board of tax assessors fails to respond to the taxpayer within such 180 day period ~~during such year~~, the ~~appeal shall be automatically referred to the county board of equalization~~ property valuation asserted by the taxpayer on the property tax return or the taxpayer's notice of appeal shall become the assessed fair market value for the taxpayer's property for the tax year under appeal. If no such assertion of value was submitted by the taxpayer, the appeal shall be forwarded to the county board of equalization.

(B) In any county in which the number of appeals exceeds a number equal to or greater than 3 percent of the total number of parcels in the county or the sum of the current assessed value of the parcels under appeal is equal to or greater than 3 percent of the gross tax digest of the county, the county board of tax assessors shall be granted an additional 180 day period to make its determination and notify the taxpayer. The county board of tax assessors shall notify each affected taxpayer of the additional 180 day review period provided in this subparagraph by mail or electronic communication, including posting notice on the website of the county board of tax assessors if such a website is available. Such additional period shall commence immediately following the last day of the 180 days provided for under subparagraph (A) of this paragraph. If the county board of tax assessors fails to review the appeal and notify the taxpayer of any corrections or changes not later than the last day of such additional 180 day period, the most recent property tax valuation asserted by the taxpayer on the property tax return or on appeal shall prevail and shall be deemed the value established on such appeal unless a time extension is granted under subparagraph (C) of this paragraph. If no such assertion of value was submitted by the taxpayer, the appeal shall be forwarded to the county board of equalization.

(C) Upon a sufficient showing of good cause by reason of unforeseen circumstances proven to the commissioner prior to the expiration of the additional 180 day period provided for under subparagraph (B) of this paragraph, the commissioner shall be authorized to provide for a time extension beyond the end of such additional 180 day period. The duration of any such time extension shall be specified in writing by the commissioner and shall also be posted on the website of the county board of tax assessors if such a website is available. If the county board of tax assessors fails to make its review and notify the taxpayer and the taxpayer's attorney not later than the last day of such time extension, the most recent property tax valuation asserted by the taxpayer on the property tax return or on the taxpayer's

notice of appeal shall prevail and shall be deemed the value established on such appeal. If no such assertion of value was submitted by the taxpayer, the appeal shall be forwarded to the county board of equalization. In addition, the commissioner shall be authorized to require additional training or require such other remediation as the commissioner may deem appropriate for failure to meet the deadline imposed by the commissioner under this subparagraph.

(4) The determination by the county board of tax assessors of questions of factual characteristics of the property under appeal, as opposed to questions of value, shall be prima-facie correct in any appeal to the county board of equalization. However, the board of tax assessors shall have the burden of proving its opinions of value and the validity of its proposed assessment by a preponderance of evidence.

(5) The county board of equalization shall determine all questions presented to it on the basis of the best information available to the board.

(6)(A) Within 15 days of the receipt of the notice of appeal, the county board of equalization shall set a date for a hearing on the questions presented and shall so notify the taxpayer and the county board of tax assessors in writing. Such notice shall be sent by first-class mail to the taxpayer and to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent. Such notice shall be transmitted by e-mail to the county board of tax assessors if such board has adopted a written policy consenting to electronic service, and, if it has not, then such notice shall be sent to such board by first-class mail or intergovernmental mail. Such written notice shall advise each party that he or she may request a list of witnesses, documents, or other written evidence to be presented at the hearing by the other party, which shall be provided to the requesting party not less than seven days prior to the time of the hearing. Any failure to comply with this requirement shall be grounds for an automatic continuance or for exclusion of such witness, documents, or other written evidence. A taxpayer may appear before the board of equalization concerning any appeal in person, by his or her authorized agent or representative, or both. The taxpayer shall specify in writing to the board of equalization the name of any such agent or representative prior to any appearance by the agent or representative before the board.

(B) Within 30 days of the date of notification to the taxpayer of the hearing required in this paragraph but not earlier than 20 days from the date of such notification to the taxpayer, the county board of equalization shall hold such hearing to determine the questions presented.

(C) If more than one ~~contiguous~~ property of a taxpayer is under appeal, the board of equalization shall, upon request of the taxpayer, consolidate all such appeals in one hearing and ~~render~~ announce separate decisions as to each parcel or item of property. Any appeal from such a consolidated board of equalization hearing to the superior court as provided in this subsection shall constitute a single civil action, and, unless the taxpayer specifically so indicates in his or her notice of appeal, shall apply to all such parcels or items of property.

(D)(i) The board of equalization shall ~~render~~ announce its decision on each appeal at the conclusion of the hearing ~~under~~ held in accordance with subparagraph (B) of this paragraph before proceeding with another hearing. The decision of the county board of equalization shall be in writing, shall be signed by each member of the board, shall specifically decide each question presented by the appeal, shall specify the reason or reasons for each such decision as to the specific issues of taxability, uniformity of assessment, value, or denial of homestead exemptions depending upon the specific issue or issues raised by the taxpayer in the course of such taxpayer's appeal, shall state that with respect to the appeal no member of the board is disqualified from acting by virtue of subsection (j) of this Code section, and shall certify the date on which notice of the decision is given to the parties. Notice of the decision shall be delivered by hand to each party, with written receipt, or given to each party by sending a copy of the decision by registered or certified mail or statutory overnight delivery to the appellant and by filing the original copy of the decision with the county board of tax assessors. Each of the three members of the county board of equalization must be present and must participate in the deliberations on any appeal. A majority vote shall be required in any matter. All three members of the board ~~must~~ shall sign the decision indicating their vote.

(ii) Except as otherwise provided in subparagraph (g)(4)(B) of this Code section, the county board of tax assessors shall use the valuation of the county board of equalization in compiling the tax digest for the county for the year in question and shall indicate such valuation as the previous year's value on the property tax notice of assessment of such taxpayer for the immediately following year rather than substituting the valuation which was changed by the county board of equalization.

(iii)(I) If the county's tax bills are issued before an appeal has been finally determined, the county board of tax assessors shall specify to the county tax commissioner the lesser of the valuation in the last year for which taxes were finally determined to be due on the property or 85 percent of the current year's value, unless the property in issue is homestead property and has been issued a building permit and structural improvements have occurred, or structural improvements have been made without a building permit, in which case, it shall specify 85 percent of the current year's valuation as set by the county board of tax assessors. Depending on the circumstances of the property, this amount shall be the basis for a temporary tax bill to be issued; provided, however, that a nonhomestead owner of a single property valued at $2 million or more may elect to pay the temporary tax bill which specifies 85 percent of the current year's valuation; or, such owner may elect to pay the amount of the difference between the 85 percent tax bill based on the current year's valuation and the tax bill based on the valuation from the last year for which taxes were finally determined to be due on the property in conjunction with the amount of the tax bill based on valuation from the last year for which taxes were finally determined to be due on the property, to the tax commissioner's office. Only the amount which

represents the difference between the tax bill based on the current year's valuation and the tax bill based on the valuation from the last year for which taxes were finally determined to be due will be held in an escrow account by the tax commissioner's office. Once the appeal is concluded, the escrowed funds shall be released by the tax commissioner's office to the prevailing party. The taxpayer may elect to pay the temporary tax bill in the amount of 100 percent of the current year's valuation if no substantial property improvement has occurred. The county tax commissioner shall have the authority to adjust such tax bill to reflect the 100 percent value as requested by the taxpayer. Such tax bill shall be accompanied by a notice to the taxpayer that the bill is a temporary tax bill pending the outcome of the appeal process. Such notice shall also indicate that upon resolution of the appeal, there may be additional taxes due or a refund issued.

(II) For the purposes of this Code section, any final value that causes a reduction in taxes and creates a refund that is owed to the taxpayer shall be paid by the tax commissioner to the taxpayer, entity, or transferee who paid the taxes with interest, as provided in subsection (m) of this Code section.

(III) For the purposes of this Code section, any final value that causes an increase in taxes and creates an additional billing shall be paid to the tax commissioner as any other tax due along with interest, as provided in subsection (m) of this Code section.

(7) The ~~clerk of the superior court~~ appeal administrator shall furnish the county board of equalization necessary facilities and ~~secretarial and clerical~~ administrative help. The ~~clerk of the superior court~~ appeal administrator shall see that the records and information of the county board of tax assessors are transmitted to the county board of equalization. The county board of equalization ~~must~~ shall consider in the performance of its duties the information furnished by the county board of tax assessors and the taxpayer.

~~(8) The taxpayer or his or her agent or representative may submit in support of his or her appeal the most current report of the sales ratio study for the county conducted pursuant to Code Section 48-5-274. The board must consider the study upon any such request.~~

~~(9)~~(8) If at any time during the appeal process to the county board of equalization and after certification by the county board of tax assessors to the county board of equalization, the county board of tax assessors and the taxpayer mutually agree in writing on the fair market value, then the county board of tax assessors, or the county board of equalization, as the case may be, shall enter the agreed amount in all appropriate records as the fair market value of the property under appeal, and the appeal shall be concluded. The provisions in subsection (c) of Code Section 48-5-299 shall apply to the valuation unless otherwise waived by both parties.

(e.1) **Appeals to hearing officer.**

(1)(A) For any dispute involving the value or uniformity of a parcel of nonhomestead real property with a fair market value in excess of ~~$1 million~~

$750,000.00 as shown on the taxpayer's annual notice of current assessment under Code Section 48-5-306, at the option of the taxpayer, an appeal may be submitted to a hearing officer in accordance with this subsection. If such taxpayer owns nonhomestead real property contiguous to such qualified nonhomestead real property, at the option of the taxpayer, such contiguous property may be consolidated with the qualified property for purposes of the hearing under this subsection.

(B)(i) As used in this subparagraph, the term 'wireless property' means tangible personal property or equipment used directly for the provision of wireless services by a provider of wireless services which is attached to or is located underneath a wireless cell tower or at a network data center location but which is not permanently affixed to such tower or data center so as to constitute a fixture.

(ii) For any dispute involving the values or uniformity of one or more account numbers of wireless property as defined in this subparagraph with an aggregate fair market value in excess of $750,000.00 as shown on the taxpayer's annual notice of current assessment under Code Section 48-5-306, at the option of the taxpayer, an appeal may be submitted to a hearing officer in accordance with this subsection.

(2) Individuals desiring to serve as hearing officers and who are either state certified general real property appraisers or state certified residential real property appraisers as classified by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board for real property appeals or are designated appraisers by a nationally recognized appraiser's organization for wireless property appeals shall complete and submit an application, a list of counties the hearing officer is willing to serve, disqualification questionnaire, and resume and be approved by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board to serve as a hearing officer. Such board shall annually publish a list of qualified and approved hearing officers for Georgia.

(3) The ~~clerk of the superior court~~ appeal administrator shall furnish any hearing officer so selected the necessary facilities.

(4) An appeal shall be effected by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by filing with the county board of tax assessors a notice of appeal to a hearing officer within 45 days from the date of mailing the notice of assessment pursuant to Code Section 48-5-306. A written objection to an assessment of real property or wireless property received by a county board of tax assessors stating the taxpayer's election to appeal to a hearing officer and showing the location of the real property or wireless property contained in the assessment notice shall be deemed a notice of appeal by the taxpayer.

(5) The county board of tax assessors may for no more than 90 days review the taxpayer's written appeal, and if changes or corrections are made by the county board of tax assessors, the board shall notify the taxpayer in writing of such changes. ~~If within~~ Within 30 days of the county board of tax assessors' mailing of such notice, the taxpayer ~~notifies~~ may notify the county board of tax assessors in writing that ~~such~~ the

changes or corrections made by the county board of tax assessors are not acceptable, in which case, the county board of tax assessors shall, within 30 days of the date of mailing of such taxpayer's notification, send or deliver ~~the notice of appeal and~~ all necessary papers to the ~~clerk of the superior court~~ appeal administrator and mail a copy to the taxpayer or, alternatively, forward the appeal to the board of equalization if so elected by the taxpayer and such election is included in the taxpayer's notification that the changes are not acceptable. If, after review, the county board of tax assessors determines that no changes or corrections are warranted, the county board of tax assessors shall notify the taxpayer of such decision. The taxpayer may elect to forward the appeal to the board of equalization by notifying the county board of tax assessors within 30 days of the mailing of the county board of tax assessor's notice of no changes or corrections. Upon the expiration of 30 days following the mailing of the county board of tax assessors' notice of no changes or corrections, the county board of tax assessors shall certify the notice of appeal and send or deliver all necessary papers to the appeal administrator for the appeal to the hearing officer, or board of equalization if elected by the taxpayer, and mail a copy to the taxpayer.

(6)(A) The ~~clerk of superior court~~ appeal administrator shall randomly select from such list a hearing officer who shall have experience or expertise in hearing or appraising the type of property that is the subject of appeal to hear the appeal, unless the taxpayer and the county board of tax assessors mutually agree upon a hearing officer from such list. The appeal administrator shall notify the taxpayer and the taxpayer's attorney in compliance with subsection (o) of this Code section of the name of the hearing officer and transmit a copy of the hearing officer's disqualification questionnaire and resume provided for under paragraph (2) of this subsection. The hearing officer, in conjunction with all parties to the appeal, shall set a time and place to hear evidence and testimony from both parties. The hearing shall take place in the county where the property is located, or such other place as mutually agreed to by the parties and the hearing officer. The hearing officer shall provide electronic or written notice to the parties personally or by registered or certified mail or statutory overnight delivery not less than ten days before the hearing. Such written notice shall advise each party that documents or other written evidence to be presented at the hearing by a party must be provided to the other party not less than seven days prior to the time of the hearing and that any failure to comply with this requirement shall be grounds for an automatic continuance or for exclusion of such documents or other written evidence.

(B) If the appeal administrator, after a diligent search, cannot find a qualified hearing officer who is willing to serve, the appeal administrator shall transfer the certification of the appeal to the county or regional board of equalization and notify the taxpayer and the taxpayer's attorney in compliance with subsection (o) of this Code section and the county board of tax assessors of the transmittal of such appeal.

(7) The hearing officer shall swear in all witnesses, perform the powers, duties, and authority of a county or regional board of equalization, and determine the fair market value of the real property or wireless property based upon the testimony and evidence

presented during the hearing. Any issues other than fair market value and uniformity raised in the appeal shall be preserved for appeal to the superior court. The board of tax assessors shall have the burden of proving its opinion of value and the validity of its proposed assessment by a preponderance of evidence. At the conclusion of the hearing, the hearing officer shall notify both parties of the decision verbally and shall either send ~~the taxpayer~~ both parties the decision in writing or deliver the decision by hand to each party, with written receipt.

(8) The taxpayer or the board of tax assessors may appeal the decision of the hearing officer to the superior court as provided in subsection (g) of this Code section.

(9) If, at any time during the appeal under this subsection, the taxpayer and the county board of tax assessors execute a signed written agreement on the fair market value and any other issues raised~~,~~; the appeal shall terminate as of the date of such signed agreement; ~~and~~ the fair market value as set forth in such agreement shall become final; and subsection (c) of Code Section 48-5-299 shall apply. ~~The provisions contained in this paragraph may be waived at any time by written consent of the taxpayer and the county board of tax assessors.~~

(9.1) The provisions contained in this subsection may be waived at any time by written consent of the taxpayer and the county board of tax assessors.

(10) Each hearing officer shall be compensated by the county for time expended in considering appeals. The compensation shall be paid at a rate of not less than $75.00 per hour for the first hour and not less than $25.00 per hour for each hour thereafter as determined by the county governing authority or as may be agreed upon by the parties with the consent of the county governing authority. Compensation pursuant to this paragraph shall be paid from the county treasury upon certification by the hearing officer of the hours expended in hearing of appeals. The attendance at any training required by the commissioner shall be part of the qualifications of the hearing officer, and any nominal cost of such training shall be paid by the hearing officer. ~~If the clerk of the superior court, after diligent search, cannot find a qualified hearing officer who is willing to serve, the clerk of the superior court shall notify the county board of tax assessors in writing. The county board of tax assessors shall then certify the appeal to the county or regional board of equalization.~~

(11) The commissioner shall promulgate rules and regulations for the proper administration of this subsection, including, but not limited to, ~~a uniform appeal form;~~ qualifications; training, including an eight-hour course on Georgia property law, Georgia evidence law, preponderance of evidence, burden of proof, credibility of the witnesses, and weight of evidence; disqualification questionnaire; selection; removal; an annual continuing education requirement of at least four hours of instruction in recent legislation, current case law, and updates on appraisal and equalization procedures, as prepared and required by the commissioner; and any other matters necessary to the proper administration of this subsection. The failure of any hearing officer to fulfill the requirements of this paragraph shall render such officer ineligible to serve. Such rules and regulations shall also include a uniform appeal form which shall require the initial assertion of a valuation of the property by the taxpayer. Any

such assertion of value shall be subject to later revision by the taxpayer based upon written evidence. The commissioner shall seek input from all interested parties prior to such promulgation.

(12) If the county's tax bills are issued before the hearing officer has rendered his or her decision on property which is on appeal, a temporary tax bill shall be issued in the same manner as otherwise required under division (e)(6)(D)(iii) of this Code section.

(13) Upon determination of the final value, the temporary tax bill shall be adjusted as required under division (e)(6)(D)(iii) of this Code section."

"(h) **Recording of interviews or hearings**.

(1) In the course of any assessment, appeal, or arbitration, or any related proceeding, the taxpayer shall be entitled to: ~~make recordings of any interview with any officer or employee of the taxing authority relating to the valuation of the taxpayer's property subject to such assessment, appeal, arbitration, or related proceeding, at the taxpayer's expense and with equipment provided by the taxpayer, and no such officer or employee may refuse to participate in an interview relating to such valuation for reason of the taxpayer's choice to record such interview.~~

(A) Have an interview with an officer or employee, that is authorized to discuss tax assessments of the board of tax assessors relating to the valuation of the taxpayer's property subject to such assessment, appeal, arbitration, or related proceeding, and the taxpayer may record the interview at the taxpayer's expense and with equipment provided by the taxpayer, and no such officer or employee of the board of tax assessors may refuse to participate in an interview relating to such valuation for reason of the taxpayer's choice to record such interview; and

(B) Record, at the taxpayer's expense and with equipment provided by the taxpayer, all proceedings before the board of equalization or any hearing officer.

(2) The interview referenced in subparagraph (A) of paragraph (1) of this subsection shall be granted to the taxpayer within 30 calendar days from the postmark date of the taxpayer's written request for the interview, and the interview shall be conducted in the office of the board of assessors. The time and date for the interview, within such 30 calendar day period, shall be mutually agreed upon between the taxpayer and the taxing authority. The taxing authority may extend the time period for the interview an additional 30 days upon written notification to the taxpayer.

(3) The superior courts of this state shall have jurisdiction to enforce the provisions of this subsection directly and without the issue being first brought to any administrative procedure or hearing. The taxpayer shall be awarded damages in the amount of $100.00 per occurrence where the taxpayer requested the interview, in compliance with this subsection, and the board of assessors failed to timely comply; and, the taxpayer shall be entitled to recover reasonable attorney's fees and expenses of litigation incurred in any action brought to compel such interview.

(i) **Alternate members of boards of equalization.**

(1) Alternate members of the county board of equalization in the order in which selected shall serve:

~~(1)~~(A) As members of the county board of equalization in the event there is a permanent vacancy on the board created by the death, ineligibility, removal from the county, or incapacitating illness of a member or by any other circumstances. An alternate member who fills a permanent vacancy shall be considered a member of the board for the remainder of the unexpired term; or

~~(2)~~(B) In any appeal ~~with respect to which a member of the board is disqualified and shall be considered a member of the board; or~~ for which an alternate member is selected for service by the appeal administrator.

~~(3) In any appeal at a regularly scheduled or called meeting in the absence of a member and shall be considered a member of the board.~~

(2) A hearing panel shall consist of no more than three members at any time, one of whom shall serve as the presiding member for the purpose of the hearing.

(j) **Disqualification.**

(1) No member of the county board of equalization and no hearing officer shall serve with respect to any appeal concerning which he or she would be subject to a challenge for cause if he or she were a member of a panel of jurors in a civil case involving the same subject matter.

(2) The parties to an appeal to the county board of equalization or to a hearing officer shall file in writing with the appeal, in the case of the person appealing, or, in the case of the county board of tax assessors, with the certificate transmitting the appeal, questions relating to the disqualification of members of the county board of equalization or hearing officer. Each question shall be phrased so that it can be answered by an affirmative or negative response. The members of the county board of equalization or hearing officer shall, in writing under oath within two days of their receipt of the appeal, answer the questions and any question which may be adopted pursuant to subparagraph (e)(1)(D) of this Code section. Answers of the county board of equalization or hearing officers shall be part of the decision of the board or hearing officer and shall be served on each party by first-class mail. Determination of disqualification shall be made by the judge of the superior court upon the request of any party when the request is made within two days of the response of the board or hearing officer to the questions. The time prescribed under subparagraph (e)(6)(A) of this Code section shall be tolled pending the determination by the judge of the superior court.

(k) **Compensation of board of equalization members.**

(1) Each member of the county board of equalization shall be compensated by the county per diem for time expended in considering appeals. The compensation shall be paid at a rate of not less than $25.00 per day and shall be determined by the county governing authority. The attendance at required approved appraisal courses shall be part of the official duties of a member of the board, and he or she shall be paid for each day in attendance at such courses and shall be allowed reasonable expenses necessarily incurred in connection with such courses. Compensation pursuant to this ~~subsection~~ paragraph shall be paid from the county treasury upon certification by the

member of the days expended in consideration of appeals or attending approved appraisal courses.

(2) Each member of the county board of equalization who participates in online training provided by the department shall be compensated by the county at the rate of $25.00 per day for each eight hours of completed training. A member shall certify under oath and file an affidavit with the appeal administrator stating the number of hours required to complete such training and the number of hours which were actually completed. The appeal administrator shall review the affidavit and, following approval thereof, shall notify the county governing authority. The Council of Superior Court Clerks of Georgia shall develop and make available an appropriate form for such purpose. Compensation pursuant to this paragraph shall be paid from the county treasury following approval of the appeal administrator of the affidavit filed under this paragraph.

(l) **Military service.**

In the event of the absence of an individual from such individual's residence because of duty in the armed forces, the filing requirements set forth in paragraph (3) of subsection (f) of this Code section shall be tolled for a period of 90 days. During this period, any member of the immediate family of the individual, or a friend of the individual, may notify the tax receiver or the tax commissioner of the individual's absence due to military service and submit written notice of representation for the limited purpose of the appeal. Upon receipt of this notice, the tax receiver or the tax commissioner shall initiate the appeal.

(m) **Interest.**

(1) For the purposes of this Code section, any final value that causes a ~~deduction~~ reduction in taxes and creates a refund that is owed to the taxpayer shall be paid by the tax commissioner to the taxpayer, entity, or transferee who paid the taxes within 60 days from the date of the final determination of value. Such refund shall include interest ~~on the amount of the deduction~~ at the same rate specified in Code Section 48-2-35 which shall accrue from ~~November 15~~ the due date of the taxable year in question or the date ~~the final installment was due or was~~ paid, whichever is later, through the date on which the ~~refund is paid or 60 days from the date of the~~ final determination of value was made~~, whichever is earlier~~. In no event shall the amount of such interest exceed $150.00 for homestead property or $5,000.00 for nonhomestead property. Any refund paid after the sixtieth day shall accrue interest from the sixty-first day until paid with interest at the same rate specified in Code Section 48-2-35. The interest accrued after the sixtieth day and forward shall not be subject to the limits imposed by this subsection. The tax commissioner shall pay the tax refund and any interest for the refund from current collections in the same proportion for each of the levying authorities for whom the taxes were collected.

(2) For the purposes of this Code section, any final value that causes an increase in taxes and creates an additional billing shall be paid to the tax commissioner as any other tax due ~~along with interest, as specified in Code Section 48-2-35. The tax commissioner shall adjust the tax bill, including interest, within 15 days from the date~~

~~of the final determination of value and mail the adjusted bill to the taxpayer. Such interest shall accrue from November 15 of the taxable year in question or the final installment of the tax was due through the date on which the bill was adjusted and mailed or 15 days from the date of the final determination, whichever is earlier. The interest computed on the additional billing shall in no event exceed $150.00 for homestead property or $5,000.00 for nonhomestead property~~. After the tax bill notice has been mailed out, the taxpayer shall be afforded 60 days from the date of the postmark to make full payment of the adjusted bill ~~and interest~~. Once the 60 day payment period has expired, the bill shall be considered past due and interest shall accrue from the original billing due date as specified in Code Section 48-2-40 without limit until the bill is paid in full. Once past due, all other fees, penalties, and late and collection notices shall apply as prescribed in this chapter for the collection of delinquent taxes.

(n) **Service of notice.**

A notice of appeal to a board of tax assessors under subsection (e), (e.1), (f), or (g) of this Code section shall be deemed filed as of the date of the United States Postal Service postmark, receipt of delivery by statutory overnight delivery, or, if the board of tax assessors has adopted a written policy consenting to electronic service, by transmitting a copy to the board of tax assessors via e-mail in portable document format using all e-mail addresses provided by the board of tax assessors ~~and showing in the subject line of the e-mail message the words 'STATUTORY ELECTRONIC SERVICE' in capital letters~~. Service by mail, statutory overnight delivery, or electronic transmittal is complete upon such service. Proof of service may be made within 45 days of receipt of the annual notice of current assessment under Code Section 48-5-306 to the taxpayer by certificate of the taxpayer, the taxpayer's attorney, or the taxpayer's employee by written admission or by affidavit. Failure to make proof of service shall not affect the validity of service.

(o) When a taxpayer authorizes an agent, representative, or attorney in writing to act on the taxpayer's behalf, and a copy of such written authorization is provided to the county board of tax assessors, all notices required to be provided to the taxpayer under this Code section, including those regarding hearing times, dates, certifications, notice of changes or corrections, or other official actions, shall ~~instead~~ be provided to ~~such~~ the taxpayer and the authorized agent, representative, or attorney. Upon agreement by the county board of tax assessors and the taxpayer's agent, representative, or attorney, notices required by this Code section to be sent to the taxpayer or the taxpayer's agent, representative, or attorney may be sent by e-mail. The failure to comply with this subsection with respect to a notice required under this Code section shall result in the tolling of any deadline imposed on the taxpayer under this Code section with respect to that notice."

SECTION 16.

Said title is further amended in Code Section 48-5-311, relating to county boards of equalization and ad valorem tax appeals, by repealing and reenacting subsections (f) and (g) and by adding a new subsection to read as follows:

"(f) **Nonbinding arbitration.**

(1) As used in this subsection, the term 'certified appraisal' means an appraisal or appraisal report given, signed, and certified as such by a real property appraiser as classified by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board.

(2) At the option of the taxpayer, an appeal shall be submitted to nonbinding arbitration in accordance with this subsection.

(3)(A) Following an election by the taxpayer to use the arbitration provisions of this subsection, an arbitration appeal shall be effected by the taxpayer by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by filing a written notice of arbitration appeal with the county board of tax assessors. The notice of arbitration appeal shall specifically state the grounds for arbitration. The notice shall be filed within 45 days from the date of mailing the notice pursuant to Code Section 48-5-306. Within ten days of receipt of a taxpayer's notice of arbitration appeal, the board of tax assessors shall send to the taxpayer an acknowledgment of receipt of the appeal and a notice that the taxpayer shall, within 45 days of the date of transmittal of the acknowledgment of receipt of the appeal, provide to the county board of tax assessors for consideration a copy of a certified appraisal. Failure of the taxpayer to provide such certified appraisal within such 45 days shall terminate the appeal unless the taxpayer within such 45 day period elects to have the appeal immediately forwarded to the board of equalization. Prior to appointment of the arbitrator and within 45 days of the acknowledgment of the receipt of the appeal, the taxpayer shall provide a copy of the certified appraisal as specified in this paragraph to the county board of tax assessors for consideration. Within 45 days of receiving the taxpayer's certified appraisal, the county board of tax assessors shall either accept the taxpayer's appraisal, in which case that value shall become final, or the county board of tax assessors shall reject the taxpayer's appraisal by sending within ten days of the date of such rejection a written notification by certified mail of such rejection to the taxpayer and the taxpayer's attorney of record in compliance with subsection (o) of this Code section, in which case the county board of tax assessors shall certify within 45 days the appeal to the appeal administrator of the county in which the property is located along with any other papers specified by the person seeking arbitration under this subsection, including, but not limited to, the staff information from the file used by the county board of tax assessors. In the event the taxpayer is not notified of a rejection of the taxpayer's appraisal within such ten-day period, the taxpayer's appraisal value shall become final. In the event that the county board of tax assessors neither accepts nor rejects the value set out in the certified appraisal within 45 days after the receipt of the certified appraisal, then the certified appraisal shall become the final value. All

papers and information certified to the appeal administrator shall become a part of the record on arbitration. At the time of certification of the appeal, the county board of tax assessors shall serve the taxpayer and the taxpayer's attorney of record in compliance with subsection (o) of this Code section, if any, or employee with a copy of the certification along with any other papers specified by the person seeking arbitration along with the civil action file number assigned to the appeal, if any. Within 15 days of filing the certification to the appeal administrator, the presiding or chief judge of the superior court of the circuit in which the property is located shall issue an order authorizing the arbitration.

(B) At any point, the county board of tax assessors and the taxpayer may execute a signed, written agreement establishing the fair market value without entering into or completing the arbitration process. The fair market value as set forth in such agreement shall become the final value.

(C) The arbitration shall be conducted pursuant to the following procedure:

(i) The county board of tax assessors shall, at the time the appeal is certified to the appeal administrator under subparagraph (A) of this paragraph, provide to the taxpayer a notice of a meeting time and place to decide upon an arbitrator, to occur within 60 days after the date of sending the rejection of the taxpayer's certified appraisal. Following the notification of the taxpayer of the date and time of the meeting, the taxpayer shall be authorized to exercise a one-time option of changing the date and time of the meeting to a date and time acceptable to the taxpayer and the county board of tax assessors. If the parties agree, the matter shall be submitted to a single arbitrator chosen by the parties. If the parties cannot agree on the single arbitrator, the arbitrator may be chosen by the presiding or chief judge of the superior court of the circuit in which the property is located within 30 days after the filing of a petition by either party;

(ii) In order to be qualified to serve as an arbitrator, a person shall be classified as a state certified general real property appraiser or state certified residential real property appraiser pursuant to the rules and regulations of the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board and shall have experience or expertise in appraising the type of property that is the subject of the arbitration;

(iii) The arbitrator, within 30 days after his or her appointment, shall set a time and place to hear evidence and testimony from both parties. The arbitrator shall provide written notice to the parties personally or by registered or certified mail or statutory overnight delivery not less than ten days before the hearing. Such written notice shall advise each party that documents or other written evidence to be presented at the hearing by a party must be provided to the other party not less than seven days prior to the time of the hearing and that any failure to comply with this requirement, unless waived by mutual written agreement of such parties, shall be grounds for a continuance or for exclusion of such documents or other written evidence. The arbitrator, in consultation with the parties, may adjourn or postpone the hearing. Following notification of the taxpayer of the date and time of the

hearing, the taxpayer shall be authorized to exercise a one-time option of changing the date and time of the hearing to a date and time acceptable to the taxpayer and the county board of tax assessors. The presiding or chief judge of the superior court of the circuit in which the property is located may direct the arbitrator to proceed promptly with the hearing and the determination of the appeal upon application of any party. The hearing shall occur in the county in which the property is located or such other place as may be agreed upon in writing by the parties;

(iv) At the hearing, the parties shall be entitled to be heard, to present documents, testimony, and other matters, and to cross-examine witnesses. The arbitrator may hear and determine the controversy upon the documents, testimony, and other matters produced notwithstanding the failure of a party duly notified to appear;

(v) The arbitrator shall maintain a record of all pleadings, documents, testimony, and other matters introduced at the hearing. The arbitrator or any party to the proceeding may have the proceedings transcribed by a court reporter;

(vi) The provisions of this paragraph may be waived at any time by written consent of the taxpayer and the board of tax assessors;

(vii) At the conclusion of the hearing, the arbitrator shall render a decision regarding the fair market value of the property subject to nonbinding arbitration;

(viii) In order to determine the fair market value, the arbitrator may consider the final value for the property submitted by the county board of tax assessors at the hearing and the final value submitted by the taxpayer at the hearing. The taxpayer shall be responsible for the cost of any appraisal by the taxpayer's appraiser;

(ix) The arbitrator shall consider the final value submitted by the county board of tax assessors, the final value submitted by the taxpayer, and evidence supporting the values submitted by the county board of tax assessors and the taxpayer. The arbitrator shall determine the fair market value of the property under appeal. The arbitrator shall notify both parties of the decision verbally and shall either send both parties the decision in writing or deliver the decision by hand to each party, with written receipt;

(x) If the taxpayer's value is closest to the fair market value determined by the arbitrator, the county shall be responsible for the fees and costs of such arbitrator. If the value of the board of tax assessors is closest to the fair market value determined by the arbitrator, the taxpayer shall be responsible for the fees and costs of such arbitrator; and

(xi) The board of tax assessors shall have the burden of proving its opinion of value and the validity of its proposed assessment by a preponderance of evidence.

(4) If the county's tax bills are issued before an arbitrator has rendered his or her decision on property which is on appeal, a temporary tax bill shall be issued in the same manner as otherwise required under division (e)(6)(D)(iii) of this Code section.

(5) Upon determination of the final value, the temporary tax bill shall be adjusted as required under division (e)(6)(D)(iii) of this Code section.

(g) **Appeals to the superior court.**

(1) The taxpayer or the county board of tax assessors may appeal decisions of the county board of equalization, hearing officer, or arbitrator, as applicable, to the superior court of the county in which the property lies. By mutual written agreement, the taxpayer and the county board of tax assessors may waive an appeal to the county board of equalization and initiate an appeal under this subsection. A county board of tax assessors shall not appeal a decision of the county board of equalization, arbitrator, or hearing officer, as applicable, changing an assessment by 20 percent or less unless the board of tax assessors gives the county governing authority a written notice of its intention to appeal, and, within ten days of receipt of the notice, the county governing authority by majority vote does not prohibit the appeal. In the case of a joint city-county board of tax assessors, such notice shall be given to the city and county governing authorities, either of which may prohibit the appeal by majority vote within the allowed period of time.

(2) An appeal by the taxpayer as provided in paragraph (1) of this subsection shall be effected by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax assessors a written notice of appeal. An appeal by the county board of tax assessors shall be effected by giving notice to the taxpayer. The notice to the taxpayer shall be dated and shall contain the name and the last known address of the taxpayer. The notice of appeal shall specifically state the grounds for appeal. The notice shall be mailed or filed within 30 days from the date on which the decision of the county board of equalization, hearing officer, or arbitrator is delivered pursuant to subparagraph (e)(6)(D), paragraph (7) of subsection (e.1), or division (f)(3)(C)(ix) of this Code section. Within 45 days of receipt of a taxpayer's notice of appeal and before certification of the appeal to the superior court, the county board of tax assessors shall send to the taxpayer notice that a settlement conference, in which the county board of tax assessors and the taxpayer shall confer in good faith, will be held at a specified date and time which shall be no later than 30 days from the notice of the settlement conference, and notice of the amount of the filing fee, if any, required by the clerk of the superior court. The taxpayer may exercise a one-time option to reschedule the settlement conference to a different date and time acceptable to the taxpayer, but in no event later than 30 days from the date of the notice. If at the end of the 45 day review period the county board of tax assessors elects not to hold a settlement conference, then the appeal shall terminate and the taxpayer's stated value shall be entered in the records of the board of tax assessors as the fair market value for the year under appeal and the provisions of subsection (c) of Code Section 48-5-299 shall apply to such value. If the taxpayer chooses not to participate in the settlement conference, he or she may not seek and shall not be awarded fees and costs at such time when the appeal is settled in superior court. If at the conclusion of the settlement conference the parties reach an agreement, the settlement value shall be entered in the records of the county board of tax assessors as the fair market value for the tax year under appeal and the provisions of subsection (c) of Code Section 48-5-299 shall

apply to such value. If at the conclusion of the settlement conference the parties cannot agree on a fair market value, then written notice shall be provided to the taxpayer that the filing fees must be paid by the taxpayer to the clerk of the superior court within ten days of the date of the conference, with a copy of the check delivered to the county board of tax assessors. Notwithstanding any other provision of law to the contrary, the amount of the filing fee for an appeal under this subsection shall be $25.00. An appeal under this subsection shall not be subject to any other fees or additional costs otherwise required under any provision of Title 15 or under any other provision of law. Immediately following payment of such $25.00 filing fee by the taxpayer to the clerk of the superior court, the clerk shall remit the proceeds thereof to the governing authority of the county which shall deposit the proceeds into the general fund of the county. Within 30 days of receipt of proof of payment to the clerk of the superior court, the county board of tax assessors shall certify to the clerk of the superior court the notice of appeal and any other papers specified by the person appealing including, but not limited to, the staff information from the file used by the county board of tax assessors, the county board of equalization, the hearing officer, or the arbitrator. All papers and information certified to the clerk shall become a part of the record on appeal to the superior court. At the time of certification of the appeal, the county board of tax assessors shall serve the taxpayer and his or her attorney of record, if any, with a copy of the notice of appeal and with the civil action file number assigned to the appeal. Such service shall be effected in accordance with subsection (b) of Code Section 9-11-5. No discovery, motions, or other pleadings may be filed by the county board of tax assessors in the appeal until such service has been made.

(3) The appeal shall constitute a de novo action. The board of tax assessors shall have the burden of proving its opinions of value and the validity of its proposed assessment by a preponderance of evidence. Upon a failure of the board of tax assessors to meet such burden of proof, the court may, upon motion or sua sponte, authorize the finding that the value asserted by the board of tax assessors is unreasonable and authorize the determination of the final value of the property.

(4)(A) The appeal shall be placed on the court's next available jury or bench trial calendar, at the taxpayer's election, following the filing of the appeal unless continued by the court. If only questions of law are presented in the appeal, the appeal shall be heard as soon as practicable before the court sitting without a jury. Each hearing before the court sitting without a jury at the taxpayer's election shall be held within 30 days following the date on which the appeal is filed with the clerk of the superior court.

(B)(i) The county board of tax assessors shall use the valuation of the county board of equalization, the hearing officer, or the arbitrator, as applicable, in compiling the tax digest for the county.

(ii)(I) If the final determination of value on appeal is less than the valuation thus used, the tax commissioner shall be authorized to adjust the taxpayer's tax bill to reflect the final value for the year in question.

(II) If the final determination of value on appeal causes a reduction in taxes and creates a refund that is owed to the taxpayer, it shall be paid by the tax commissioner to the taxpayer, entity, or transferee who paid the taxes with interest, as provided in subsection (m) of this Code section.

(III) If the final determination of value on appeal is 85 percent or less of the valuation set by the county board of equalization, hearing officer, or arbitrator as to any real property, the taxpayer, in addition to the interest provided for in subsection (m) of this Code section, shall recover costs of litigation and reasonable attorney's fees incurred in the action. Any appeal of an award of attorney's fees by the county shall be specifically approved by the governing authority of the county.

(iii) If the final determination of value on appeal is greater than the valuation set by the county board of equalization, hearing officer, or arbitrator, as applicable, causes an increase in taxes, and creates an additional billing, it shall be paid to the tax commissioner as any other tax due along with interest, as provided in subsection (m) of this Code section.

(g.1) The provisions in subsection (c) of Code Section 48-5-299 shall apply to the valuation, unless otherwise waived in writing by both parties, as to:

(1) The valuation established or announced by any county board of equalization, arbitrator, hearing officer, or superior court; and

(2) Any written agreement or settlement of valuation reached by the county board of tax assessors and the taxpayer as permitted by this Code section."

SECTION 17.

Reserved.

SECTION 18.

Said title is further amended in Code Section 48-5-345, relating to county tax digests and deviations from certain assessment ratio, by revising paragraph (1) of subsection (a) and by adding a new subsection to read as follows:

"(a)(1) Upon the determination by the commissioner that a county tax digest is in proper form, that the property therein that is under appeal is within the limits of Code Section 48-5-304, and that the digest is accompanied by all documents, statistics, and certifications required by the commissioner, including the number, overall value and percentage of total real property parcels of appeals in each county to the boards of equalization, arbitration, hearing officer, and superior court, and the number of taxpayers' failure to appear at any hearing, for the prior tax year, the commissioner shall issue a receipt for the digest and enter an order authorizing the use of said digest for the collection of taxes. All statistics and certifications regarding real property appeals provided to the commissioner under this paragraph shall be made publicly available on the Department of Revenue website."

"(c) Beginning with tax digests on or after the effective date of this subsection, no county shall be subject to the assessment authorized by subparagraph (b) of this Code section."

SECTION 19.

Said title is further amended by revising subsection (a) of Code Section 48-5-405, relating to the levy and collection of tax by municipalities for independent school systems, as follows:

"(a) Each municipality authorized by law to maintain an independent school system may support and maintain the public common schools within the independent school system by levy of ad valorem taxes at the rate fixed by law upon all taxable property within the limits of the ~~municipality~~ independent school system. The board of education of the municipality or other authority charged with the duty of operating the independent school system shall annually recommend to the governing authority of the municipality the rate of the tax levy, within the limitations fixed by law, to be made upon all taxable property within the limits of the ~~municipality~~ independent school system. Taxes levied and collected for support and maintenance of the independent school system by the municipal governing authority shall be appropriated, when collected, by the governing authority to the board of education or other authority charged with the duty of operating the independent school system. Funds appropriated to an independent school system shall be expended by the board of education or other authority charged with the duty of operating the independent school system only for educational purposes including, but not limited to, school lunch purposes. The term 'school lunch purposes' shall include payment of costs and expenses incurred in the purchase of school lunchroom supplies; the purchase, replacement, or maintenance of school lunchroom equipment; the transportation, storage, and preparation of foods; and all current operating expenses incurred in the management and operation of school lunch programs in the public common schools of the independent school system. 'School lunch purposes' shall not include the purchase of foods."

SECTION 20.

Said title is further amended by revising Code Section 48-5-492, relating to issuance of mobile home location permits, as follows:

"48-5-492.

(a) Each year every owner of a mobile home subject to taxation under this article shall obtain on or before ~~May~~ April 1 from the tax collector or tax commissioner of the county of taxation of the mobile home a mobile home location permit. The issuance of the permit by the tax collector or tax commissioner shall be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the commissioner. Each decal shall reflect the county of issuance and the calendar year for which the permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

(b) Except as provided for mobile homes owned by a dealer, no mobile home location permit shall be issued by the tax collector or tax commissioner until all ad valorem taxes due on the mobile home have been paid. Each year every owner of a mobile home situated in this state on January 1 which is not subject to taxation under this article shall obtain on or before ~~May~~ April 1 from the tax collector or tax commissioner of the county where the mobile home is situated a mobile home location permit. The issuance of the permit shall be evidenced by the issuance of a decal which shall reflect the county of issuance and the calendar year for which the permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner."

SECTION 21.

Said title is further amended in Code Section 48-5-493, relating to penalties for failure to attach and display certain decals, by revising paragraph (2) of subsection (a) as follows:

"(2) Any person who violates paragraph (1) of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ~~$25.00~~ $100.00 nor more than ~~$200.00~~ $300.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a summons, the fine shall be ~~$25.00~~ $50.00; provided, however, that in the event such person owns more than one mobile home in an individual mobile home park, then the maximum fine under this paragraph for such person with respect to such mobile home park shall not exceed $1,000.00."

SECTION 22.

Said title is further amended by revising Code Section 48-5-494, relating to mobile home tax returns and decal application and issuance, as follows:

"48-5-494.

Each year every owner of a mobile home subject to taxation under this article shall return the mobile home for taxation and shall pay the taxes due on the mobile home at the time the owner applies for the mobile home location permit, or at the time of the first sale or transfer of the mobile home after December 31, or on ~~May~~ April 1, whichever occurs first. If the owner returns such owner's mobile home for taxation prior to the date that the application for the mobile home location permit is required, such owner shall apply for the permit at the time such owner returns the mobile home for taxation."

SECTION 23.

Said title is further amended by revising subparagraph (c)(3)(A) and subdivision (c)(3)(B)(iii)(III) of Code Section 48-5C-1, relating to the alternative ad valorem tax on motor vehicles, as follows:

"(A) The tag agent of the county shall within 20 days following the end of each calendar month allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in

such county and in a county in which a sales and use tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the governing body of the transportation authority created by the Metropolitan Atlanta Rapid Transit Authority Act of 1965, Ga. L. 1965, p. 2243, as amended, and the amendment to the Constitution set out at Ga. L. 1964, p. 1008, an amount of those proceeds necessary to offset any reduction in (i) ad valorem tax on motor vehicles collected under Chapter 5 of this title in the taxing jurisdiction of each governing authority and school district from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of this title in each such governing authority and school district during the same calendar month of 2012 and (ii) with respect to the transportation authority, the monthly average portion of the sales and use tax levied for purposes of a metropolitan area system of public transportation applicable to any motor vehicle titled in a county which levied such tax in 2012. Such amount of tax may be determined by the commissioner for counties which levied such tax in 2012, and any counties which subsequently levy a tax pursuant to a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the governing body of the transportation authority created by the Metropolitan Atlanta Rapid Transit Authority Act of 1965, Ga. L. 1965, p. 2243, as amended, and the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the Commissioner may determine what amount of sales and use tax would have been collected in 2012, had such tax been levied. This reduction shall be calculated, with respect to (i) above, by subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in each such taxing jurisdiction from the amount of ad valorem tax on motor vehicles collected under Chapter 5 of this title in that taxing jurisdiction in the same calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are insufficient to fully offset such reduction in ad valorem taxes on motor vehicles or the portion of the sales and use tax described in (ii) above, the tag agent shall allocate a proportionate amount of the proceeds to each governing authority and to the board of education of each such school district and the transportation authority, and any remaining shortfall shall be paid from the following month's local title ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall continue to first allocate local title ad valorem tax fee proceeds to offset such shortfalls until the shortfall has been fully repaid; and"

"(III) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be distributed ~~to the governing body of the authority created by local Act to operate such metropolitan area system of public transportation~~ in such county, in the same manner as ad valorem tax on motor

vehicles collected under Chapter 5 of this title in the taxing jurisdiction of each governing authority and school district from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of this title in each such governing authority and school district during the same calendar month of 2012."

SECTION 24.

Said title is further amended in Code Section 48-6-2, relating to real estate transfer tax exemptions, by revising subsection (b) as follows:

"(b) In order to exercise any exemption provided in this Code section, the total consideration of the transfer ~~shall be shown~~ for real and personal property conveyed shall be shown on the form prescribed in subsection (c) of Code Section 48-6-4."

SECTION 25.

Said title is further amended in Code Section 48-6-4, relating to real estate transfer tax payment as certain filing prerequisites, by revising subsections (a), (b), and (c) as follows:

"(a) It is the intent of the General Assembly that the tax imposed by this article be paid to the clerk of the superior court or his or her deputy, and that the actual consideration of real and personal property conveyed shall be shown separately on the form prescribed in subsection (c) of this Code section, prior to and as a prerequisite to the filing for record of any deed, instrument, or other writing described in Code Section 48-6-1.

(b) No deed, instrument, or other writing described in Code Section 48-6-1 shall be filed for record or recorded in the office of the clerk of the superior court or filed for record or recorded in or on any other official record of this state or of any county until the tax imposed by this article has been paid and until the actual consideration of real and personal property conveyed has been shown separately on the form prescribed in subsection (c) of this Code section; provided, however, that any such deed, instrument, or other writing filed or recorded which would otherwise constitute constructive notice shall constitute such notice whether or not such tax was in fact paid.

(c) The amount of tax to be paid on a deed, instrument, or other writing shall be determined on the basis of written disclosure of the actual consideration ~~or value~~ of the interest in the property granted, assigned, transferred, or otherwise conveyed. The disclosure of the amount of tax and the actual consideration shall be made on a form or in electronic format prescribed by the commissioner and provided by the clerk of the superior court. By the fifteenth day of the month following the month the deed, instrument, or other writing is recorded, a physical or electronic copy of each disclosure shall be forwarded or made available electronically to the state auditor and to the tax commissioner and the board of tax assessors in the county where the deed, instrument, or other writing is recorded."

SECTION 26.

Said title is further amended by revising paragraphs (94) and (95) of and by adding a new paragraph to Code Section 48-8-3, relating to exemptions from state sales and use tax, as follows:

"(94) The sale, use, consumption, or storage of materials, containers, labels, sacks, or bags used for packaging tangible personal property for shipment or sale. To qualify for the packaging exemption, the items shall be used solely for packaging and shall not be purchased for reuse. The packaging exemption shall not include materials purchased at a retail establishment for consumer use; ~~or~~

(95) The sale or purchase of any motor vehicle titled in this state on or after March 1, 2013, pursuant to Code Section 48-5C-1. Except as otherwise provided in this paragraph, this exemption shall not apply to rentals of motor vehicles for periods of 31 or fewer consecutive days. Lease payments for a motor vehicle that is leased for more than 31 consecutive days for which a state and local title ad valorem tax is paid shall be exempt from sales and use taxes as provided for in this paragraph. No sales and use taxes shall be imposed upon state and local title ad valorem tax fees imposed pursuant to Chapter 5C of this title as a part of the purchase price of a motor vehicle or any portion of a lease or rental payment that is attributable to payment of state and local title ad valorem tax fees under Chapter 5C of this title~~.~~; or

(96)(A) The sale or use of construction materials used for or in the construction of buildings at a private college to the extent provided in subparagraphs (B) and (C) of this paragraph. As used in this paragraph, the term 'private college' means a college in this state which is operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and has an enrollment of between 1,000 and 3,000 students.

(B) This exemption shall apply from July 1, 2015, until June 30, 2016, or until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $350,000.00, whichever occurs first. A qualifying private college shall pay sales and use tax on all purchases and uses of construction materials and may obtain the benefit of this exemption from state sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(C)(i) This exemption shall apply from July 1, 2015, until June 30, 2016. A qualifying private college shall pay sales and use tax on all purchases and uses of construction materials and may obtain the benefit of this exemption from local sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(ii) For purposes of this subparagraph, local sales and use tax shall be defined as any local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit

Authority Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases by a contractor may qualify for the exemption provided for in this paragraph. However, when a contractor purchases qualifying construction materials, the contractor shall pay the tax at the time of purchase or at the time of first use in this state; and the ultimate owner of the property may file a claim for refund of the tax paid on the qualifying property.

(E) Items qualifying for exemption include all construction materials that will remain at the private college after completion of construction and all construction materials that become incorporated into the real property structures of the private college. This exemption excludes all items that remain in the possession of a contractor after the completion of construction."

SECTION 27.

(a) Sections 1, 2, and 3, this section, and Section 28 of this Act shall become effective upon their approval by the Governor or upon their becoming law without such approval.

(b) Sections 13 and 15 of this Act shall become effective on July 1, 2015.

(c) The remaining sections of this Act shall become effective on January 1, 2016, and Sections 9, 12, and 15 of this Act shall be applicable to all appeals filed on or after such date.

SECTION 28.

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

Representative Battles of the 15th moved that the House adopt the report of the Committee of Conference on HB 202.

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

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

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

On the motion, the ayes were 94, nays 68.

The motion prevailed.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

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

SB 65. By Senators Stone of the 23rd, Hill of the 6th, Albers of the 56th, McKoon of the 29th, Jones II of the 22nd and others:

A BILL To be entitled an Act to amend Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to exemptions for the purposes of bankruptcy and intestate insolvent estates, so as to change provisions relating to an exemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 99. By Senators Kennedy of the 18th, McKoon of the 29th, Jones of the 25th, Bethel of the 54th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of proceedings, so as to change provisions relating to reversal on appeal when a judge expresses an

opinion regarding proof in a criminal case or as to the accused's guilt; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 126. By Senators Hufstetler of the 52nd and Orrock of the 36th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies; to amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Public Health; to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician assistants, and others, so as to provide for emergency public access stations to allow a lay rescuer to consult with a medical professional to administer or make available auto-injectable epinephrine under certain circumstances; to provide for immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 160. By Senators Williams of the 27th, Cowsert of the 46th, Harper of the 7th, Mullis of the 53rd, Jones of the 25th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts regarding alcoholic beverages, so as to revise penalties for a violation of Code Section 3-3-23; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 109. By Senators Orrock of the 36th and Unterman of the 45th:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to clarify the use and effectiveness of Physician Orders for Life-Sustaining Treatment forms; to provide alternate terminology for do not resuscitate orders; to amend other Code sections of the Official Code of Georgia Annotated for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 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.

The Senate has adopted the report of the Committee of Conference on the following bills of the Senate:

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 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 Senate has adopted the report of the Committee of Conference on the following bill 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.

Representative O'Neal of the 146th moved that the House do now adjourn sine die, and the motion prevailed.

Pursuant to SR 167, adopted by the House and Senate, the Speaker announced the House adjourned sine die.