

Representative Hall, Atlanta, Georgia

Thursday, February 25, 2016

Twenty-Eighth Legislative Day

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

The House stood at ease until 10:15 o'clock, this morning.

The Speaker called the house to order.

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

| | | | | |
|----------------|-------------------|-------------|---------------|------------------|
| Abrams | Cooke | Harden | Metze | Smith, M |
| Alexander | Coomer | Harrell | Mitchell | Smith, R |
| Allison | Cooper | Hatchett | Morris | Smyre |
| Atwood | Corbett | Hawkins | Mosby | Spencer |
| Ballinger | E Dawkins-Haigler | Henson | Nimmer | Stephens, M |
| Barr | Deffenbaugh | Hightower | Nix | Stephens, R |
| Battles | Dempsey | Hitchens | Oliver | E Stephenson |
| Beasley-Teague | Dickerson | Holcomb | Parrish | E Stovall |
| Belton | Dickey | Holmes | Parsons | E Stover |
| E Bennett, K | Dickson | Houston | Peake | Strickland |
| Bennett, T | Dollar | Howard | Petrea | Tankersley |
| Bentley | Douglas | Hugley | Pezold | Tanner |
| Benton | Drenner | Jackson | Pirkle | Tarvin |
| Beskin | Dudgeon | Jaspere | Powell, A | Taylor, D |
| Beverly | Dukes | Jones, J | Powell, J | Taylor, T |
| Blackmon | Dunahoo | Jones, J.B. | Price | Teasley |
| Broadrick | Duncan | Jones, L | Prince | Thomas, A.M. |
| Brockway | Ealum | Jordan | Pruett | Thomas, E |
| Bruce | Efstration | Kaiser | Quick | Trammell |
| E Bryant | Ehrhart | Kelley | Raffensperger | Turner |
| Buckner | England | Kendrick | E Rakestraw | Waites |
| Burns | Epps | Kidd | Ramsey | Watson |
| Caldwell, J | Evans | Kirby | Reeves | Welch |
| Caldwell, M | Fleming | Knight | Rhodes | Weldon |
| Cannon | Fludd | LaRiccica | Rice | Werkheiser |
| Cantrell | Frazier | Lott | Rogers, C | Wilkerson |
| Carson | Frye | Lumsden | Rogers, T | Wilkinson |
| E Carter, A | Gardner | Mabra | Rutledge | Willard |
| Carter, D | Gasaway | Marin | Rynders | Williams, A |
| Chandler | Gilligan | Martin | Scott | Williams, C |
| Cheokas | Glanton | Maxwell | Sharper | Williams, E |
| Clark, D | Golick | Mayo | Shaw | Williamson |
| Clark, H | Gordon | McCall | E Sims | Yates |
| Clark, V | Gravley | McClain | Smith, E | Ralston, Speaker |
| Coleman | Greene | Meadows | Smith, L | |

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

Representatives Floyd of the 99th, Pak of the 108th, Randall of the 142nd, and Setzler of the 35th.

They wished to be recorded as present.

Prayer was offered by Reverend Tyrone E. Barnette, Pastor, Peace Baptist Church, Decatur, Georgia.

The members pledged allegiance to the flag.

The Speaker Pro Tem assumed the Chair.

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

Representatives Ralston of the 7th, Abrams of the 89th, Burns of the 159th, Williams of the 168th, Smyre of the 135th, Stephens of the 164th, and Stephens of the 165th.

The Speaker assumed the Chair.

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 communications were received:

House of Representatives
Coverdell Legislative Office Building
Room 401
Atlanta, Georgia 30334

February 24, 2016

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

Mr. Reilly,

Early today I incorrectly voted no on House Bill 838. Please let the journal reflect that it was intent to vote yes on this measure. Please let me know, if there is anything else you need from me.

Thank you,

/s/ Kevin Tanner
Representative Kevin Tanner
District 9

House of Representatives
Coverdell Legislative Office Building
Room 509
Atlanta, Georgia 30334

February 24, 2016

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

Dear Mr. Reilly,

On February 24, 2016 the vote box did not register my vote on House Bill 949, a bill pertaining to the illegal use of financial transaction cards. It was my intention to vote in the affirmative for this bill. Please update the House voting record to indicate my "yes" vote.

Thank you in advance and please let me know if you have any questions.

Respectfully,

/s/ Taylor Bennett
Representative Taylor Bennett
District 80

TB/nsc

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 1093. By Representatives Hightower of the 68th, Nix of the 69th, Cooke of the 18th and Smith of the 70th:

A BILL to be entitled an Act to amend an Act providing that the tax commissioner of Carroll County shall retain 1 percent of educational funds collected by said officer and remit the same to the governing authority of Carroll County to reimburse the county for the cost of collecting school taxes, approved March 27, 1998 (Ga. L. 1998, p. 3698), so as to increase the percentage of educational funds retained and remitted by said officer for said purpose to the governing authority of Carroll County; to provide a statement of intention and authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1094. By Representatives Kaiser of the 59th and Drenner of the 85th:

A BILL to be entitled an Act to amend Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to public water systems, so as to impose additional requirements on municipal water supply systems related to testing for certain contaminants; to require timely notice to affected users in the event of emergencies related to drinking water quality; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 1095. By Representatives Cheokas of the 138th, Fleming of the 121st and Stephens of the 164th:

A BILL to be entitled an Act to establish the "Patient Compensation Act"; to amend Title 51 of the O.C.G.A., relating to torts, so as to create an alternative to medical malpractice litigation whereby patients are compensated for medical injuries; to provide for related matters; to provide for severability; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1096. By Representative Parsons of the 44th:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed property, so as to provide for the donation of abandoned dividends or capital credits by rural telephone cooperatives for certain purposes; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HR 1508. By Representative Powell of the 171st:

A RESOLUTION honoring the life of Mr. Harvey J. Morey and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1509. By Representatives Kidd of the 145th, Powell of the 32nd, Clark of the 101st and Cooper of the 43rd:

A RESOLUTION creating the House Study Committee on Ambulance Service Rates; and for other purposes.

Referred to the Committee on Special Rules.

HR 1510. By Representatives Kidd of the 145th, Broadrick of the 4th, Sharper of the 177th, Clark of the 101st, Cooper of the 43rd and others:

A RESOLUTION creating the House Durable Medical Equipment Study Committee; and for other purposes.

Referred to the Committee on Special Rules.

HR 1511. By Representatives Gordon of the 163rd, Abrams of the 89th, Shaw of the 176th, Dollar of the 45th, Waites of the 60th and others:

A RESOLUTION creating the Joint Study Committee on New Market Tax Credits in Georgia; and for other purposes.

Referred to the Committee on Special Rules.

HR 1512. By Representatives Willard of the 51st, Wilkinson of the 52nd, Dollar of the 45th and Bennett of the 80th:

A RESOLUTION honoring the life of Mayor Eva Cohn Galambos and dedicating an interchange in her memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1513. By Representatives Evans of the 42nd, Willard of the 51st and Beskin of the 54th:

A RESOLUTION creating the House Study Committee on Civil Rights; and for other purposes.

Referred to the Committee on Special Rules.

HR 1523. By Representative Ralston of the 7th:

A RESOLUTION honoring the life of Sergeant First Class Ray F. Lents and dedicating an intersection in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1524. By Representative Ralston of the 7th:

A RESOLUTION honoring the life of Mayor Barbara Stephens and dedicating a road in her memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1525. By Representative Ralston of the 7th:

A RESOLUTION honoring the life of Mr. Roy L. Chapman and dedicating an intersection in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

| | |
|---------|---------|
| HB 1078 | HB 1079 |
| HB 1080 | HB 1081 |
| HB 1082 | HB 1083 |
| HB 1088 | HB 1089 |
| HB 1090 | HB 1091 |
| HB 1092 | HR 1486 |
| HR 1487 | HR 1507 |
| SB 323 | SB 356 |
| SB 358 | SB 359 |
| SB 360 | SB 361 |
| SB 362 | SB 377 |
| SB 390 | SR 954 |
| SR 955 | |

Representative Rynders of the 152nd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

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

HB 699 Do Pass, by Substitute

Respectfully submitted,
/s/ Rynders of the 152nd
Chairman

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

Mr. Speaker:

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

| | | | |
|--------|------------------------|--------|------------------------|
| HB 12 | Do Pass, by Substitute | HB 513 | Do Pass, by Substitute |
| HB 722 | Do Pass, by Substitute | HB 779 | Do Pass, by Substitute |

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

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

Mr. Speaker:

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

| | |
|--------|------------------------|
| HB 795 | Do Pass, by Substitute |
|--------|------------------------|

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

Representative Smith of the 70th District, Chairman of the Committee on Natural Resources and Environment, submitted the following report:

Mr. Speaker:

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

| | |
|---------|------------------------|
| HB 1028 | Do Pass, by Substitute |
|---------|------------------------|

Respectfully submitted,
/s/ Smith of the 70th
Chairman

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

HOUSE RULES CALENDAR
THURSDAY, FEBRUARY 25, 2016

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Structured Rule

- HB 205 Drivers' licenses; require driver who refused blood alcohol concentration testing to install and maintain ignition interlock devices on vehicle; provisions (Substitute)(JudyNC-Rice-95th)
- HB 770 Crimes and offenses; trafficking of persons for labor or sexual servitude; provisions (Substitute)(JudyNC-Efstration-104th)
- HB 897 Health; care and protection of indigent and elderly patients; provide for the establishment and operation of a drug repository program to accept and dispense unused prescription drugs (Substitute)(H&HS-Price-48th)
- HB 905 Courts; child abuse; change provisions (Substitute)
(JudyNC-Ballinger-23rd)
- HB 911 Sales and use tax; agricultural machinery and equipment; provide exemption (Substitute)(W&M-Duncan-26th)(AM 34 0728)
- HB 919 Health; rural health care organizations which provide health care services to underserved areas; approve (Substitute)(W&M-Duncan-26th)
(AM 34 0727)(AM 34 0729)

Structured Rule

- HB 216 Occupational diseases; define certain terms; provisions (Substitute)
(I&L-Gravley-67th)
- HB 802 Revenue and taxation; deduction from income for contributions to savings trust accounts; revise (W&M-Teasley-37th)
- HB 939 Revenue and taxation; setoff debt collections by the Administrative Office of the Courts; revise terms and procedures (W&M-Price-48th)
- HB 981 Taxation; certain for profit corporations to participate in the indirect ownership of a home for the mentally disabled for primarily financing purpose; allow (Substitute)(W&M-Harrell-106th)
- HB 987 Ad valorem tax; property; change certain definitions (Substitute)
(W&M-McCall-33rd)

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

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

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

Mr. Speaker:

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

SB 312. By Senators Bethel of the 54th, Hill of the 32nd, Martin of the 9th, Wilkinson of the 50th, VanNess of the 43rd and others:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to revise a definition; to establish minimum HOPE award amounts; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

SB 350. By Senators Mullis of the 53rd, Watson of the 1st, Harper of the 7th, Shafer of the 48th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of consumer fireworks, so as to dedicate moneys collected from the excise tax on the sale of consumer fireworks for trauma care, fire services, and local public safety purposes; to provide for related matters; to provide for an effective date contingent on a certain ratification of the Constitution of Georgia; to repeal conflicting laws; and for other purposes.

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

SR 558. By Senators Mullis of the 53rd, Harbison of the 15th, Harper of the 7th, Burke of the 11th, Watson of the 1st and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the proceeds of excise taxes on the sale of fireworks in this state

be dedicated to the funding of trauma care, fire services, burn treatment, and local public safety purposes in the State of Georgia; to provide that such funds shall not lapse; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

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

HB 925. By Representative Shaw of the 176th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Atkinson County, approved April 5, 1993 (Ga. L. 1993, p. 4771), as amended, so as to change the compensation of the members of the board of education; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1018. By Representative Parrish of the 158th:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum for the purpose of ascertaining whether the Candler County Board of Commissioners should levy an additional ad valorem tax for the purpose of realizing additional tax revenue to provide payment for the Candler County Hospital Authority's services and facilities; to provide for legislative purposes and findings; to provide for procedures and requirements relating thereto; to provide for a referendum and effective dates; to repeal conflicting laws; and for other purposes.

HB 1021. By Representatives Yates of the 73rd and Knight of the 130th:

A BILL to be entitled an Act to amend an Act establishing the State Court of Spalding County, formerly known as the City Court of Griffin, approved December 14, 1897 (Ga. L. 1897, p. 462), as amended, particularly by an Act approved March 19, 1987 (Ga. L. 1987, p. 4527), so as to provide for the election of the county solicitor; to specify the requirements for holding the office of the county solicitor; to establish the office of the county solicitor as a full-time position; to designate the salary of the office of the county solicitor; to authorize the appointment of assistant county solicitors; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1023. By Representatives Corbett of the 174th, Spencer of the 180th and Shaw of the 176th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Ware County, approved September 18, 1991 (Ga. L. 1991, Ex. Sess., p. 445), as amended, so as to change the compensation of the members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 312. By Senators Bethel of the 54th, Hill of the 32nd, Martin of the 9th, Wilkinson of the 50th, VanNess of the 43rd and others:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to revise a definition; to establish minimum HOPE award amounts; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 350. By Senators Mullis of the 53rd, Watson of the 1st, Harper of the 7th, Shafer of the 48th, Kennedy of the 18th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of consumer fireworks, so as to dedicate moneys collected from the excise tax on the sale of consumer fireworks for trauma care, fire services, and local public safety purposes; to provide for related matters; to provide for an effective date contingent on a certain ratification of the Constitution of Georgia; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

SR 558. By Senators Mullis of the 53rd, Harbison of the 15th, Harper of the 7th, Burke of the 11th, Watson of the 1st and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the proceeds of excise taxes on the sale of fireworks in this state be dedicated to the funding of trauma care, fire services, burn treatment, and local public safety purposes in the State of Georgia; to provide that such funds shall not lapse; 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.

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

Representatives Cooper of the 43rd, Tankersley of the 160th, Clark of the 101st, Martin of the 49th, Kaiser of the 59th et al., Cannon of the 58th, Evans of the 42nd, Gravley of the 67th, Peake of the 141st, Abrams of the 89th, Rakestraw of the 19th, Marin of the 96th et al., Ramsey of the 72nd, and McClain of the 100th et al.

Pursuant to HR 742, the House commended Dr. Daniel Todd for providing excellent veterinary care to Floyd County Law Enforcement and Georgia State Patrol service dogs.

Pursuant to HR 1214, the House recognized and commended Mr. Clark Howard.

Pursuant to HR 1231, the House commended Atlanta Motor Speedway for stimulating the economy and providing entertainment and enjoyment to NASCAR fans across the State of Georgia and recognized February 25, 2016, as Atlanta Motor Speedway Day at the capitol.

By unanimous consent, the following Bill of the House was withdrawn from the Committee on Judiciary Non-Civil and recommitted to the Committee on Regulated Industries:

HB 677. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd, Evans of the 42nd and Marin of the 96th:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government; to amend Title 13 of the O.C.G.A., relating to contracts; to amend Title 16 of the O.C.G.A., relating to crimes and offenses; to provide for related matters; to provide for a contingent effective date and repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

HB 905. By Representatives Ballinger of the 23rd, Oliver of the 82nd, Dempsey of the 13th, Efstrotation of the 104th, Reeves of the 34th and others:

A BILL to be entitled an Act to amend Code Section 15-11-710, Title 19, and Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to exchange of information, domestic relations, and programs and protection for children and youth, so as to change provisions relating to child abuse; to

correct a cross-reference; to change and provide for defined terms; to change provisions relating to protocol committees on child abuse; to remove certain reporting requirements to the child abuse registry; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 16, Title 19, and Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to justification and excuse, domestic relations, and programs and protection for children and youth, respectively, so as to change provisions relating to child abuse; to provide for immunity from criminal liability for possession of certain materials or images under certain circumstances; to change and provide for defined terms; to change provisions relating to protocol committees on child abuse; to remove certain reporting requirements to the child abuse registry; 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 16 of the Official Code of Georgia Annotated, relating to justification and excuse, is amended by adding a new Code section to read as follows:

"16-3-22.1.

(a) Any person that in good faith has possession of materials or images in violation of Article 3 of Chapter 12 of this title and immediately notifies law enforcement officials or any person that is required by Code Section 19-7-5 to report suspected child abuse, or makes such notification within 72 hours from the time there is reasonable cause to believe such person is in possession of such materials or images, shall be immune to the same extent as a law enforcement officer would be immune from criminal liability for such possession.

(b) The official report of the law enforcement agency or the Division of Family and Children Services of the Department of Human Services shall create a rebuttable presumption of good faith and reasonableness on the part of the person that has possession.

(c) The purpose of this Code section is to provide for those persons that act in good faith to assist law enforcement officers or the Division of Family and Children Services of the Department of Human Services when the health and safety of a child are being adversely affected and threatened by the conduct of another. This Code section shall be liberally construed so as to carry out the purposes thereof."

SECTION 2.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising subsection (b) of Code Section 19-7-5, relating to reporting of child abuse, as follows:

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

(1) 'Abortion' shall have the same meaning as set forth in Code Section 15-11-681.

(2) 'Abused' means subjected to child abuse.

(3) 'Child' means any person under 18 years of age.

(4) 'Child abuse' means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Endangering a child;

~~(D)~~ Sexual abuse of a child; or

~~(E)~~ Sexual exploitation of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an ~~'abused'~~ abused child.

(5) 'Child service organization personnel' means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

(6) 'Clergy' means ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.

(6.1) 'Endangering a child' means:

(A) Any act described by subsection (d) of Code Section 16-5-70;

(B) Any act described by Code Section 16-5-73;

(C) Any act described by subsection (l) of Code Section 40-6-391; or

(D) Prenatal abuse, as such term is defined in Code Section 15-11-2.

(7) 'Pregnancy resource center' means an organization or facility that:

(A) Provides pregnancy counseling or information as its primary purpose, either for a fee or as a free service;

(B) Does not provide or refer for abortions;

(C) Does not provide or refer for FDA approved contraceptive drugs or devices; and

(D) Is not licensed or certified by the state or federal government to provide medical or health care services and is not otherwise bound to follow the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, or other state or federal laws relating to patient confidentiality.

(8) 'Reproductive health care facility' means any office, clinic, or any other physical location that provides abortions, abortion counseling, abortion referrals, or gynecological care and services.

(9) 'School' means any public or private pre-kindergarten, elementary school, secondary school, technical school, vocational school, college, university, or institution of postsecondary education.

(10) 'Sexual abuse' means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not ~~that~~ such person's spouse to engage in any act which involves:

- (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (B) Bestiality;
- (C) Masturbation;
- (D) Lewd exhibition of the genitals or pubic area of any person;
- (E) Flagellation or torture by or upon a person who is nude;
- (F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;
- (G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;
- (H) Defecation or urination for the purpose of sexual stimulation; or
- (I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

~~'Sexual abuse'~~ Sexual abuse shall ~~not~~ include consensual sex acts ~~involving persons of the opposite sex~~ when the sex acts are between minors ~~or if any individual is less than 14 years of age; provided, however, that it shall not include consensual sex acts when the sex acts are~~ between a minor and an adult who is not more than ~~five~~ four years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

(11) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires ~~that~~ a child to engage in:

- (A) Prostitution, as defined in Code Section 16-6-9; or
- (B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

SECTION 3.

Said title is further amended by revising Code Section 19-15-1, relating to definitions for child abuse, as follows:

"19-15-1.

As used in this chapter, the term:

- (1) 'Abused' means subjected to child abuse.
- (2) 'Child' means any person under 18 years of age.
- (3) 'Child abuse' means:

- (A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;
- (B) Neglect or exploitation of a child by a parent or caretaker thereof;
- (C) Sexual abuse of a child; or
- (D) Sexual exploitation of a child.

(4) 'Child advocacy center' means an entity which is operated for the purposes of investigating known or suspected child abuse and treating a child or a family that is the subject of a report of child abuse and which:

(A) Has been created and supported through one or more intracommunity compacts between such center and:

(i) One or more law enforcement agencies within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation;

(ii) The office of the district attorney, Attorney General, or United States Attorney General;

(iii) A legally mandated public or private child protective agency within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation;

(iv) A mental health board within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation; or

(v) A community health service board within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation;
and

(B) Has been approved by a protocol committee.

~~(4)~~(5) 'Child protection professional' means any person who is employed by the state or a political subdivision of the state as a law enforcement officer, school teacher, school administrator, or school counselor or who is employed to render services to children by the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or the Department of Human Services or any county board of health, community service board, or county department of family and children services.

~~(5) Reserved.~~

(6) 'Investigation' in the context of child death includes all of the following:

(A) A post-mortem examination which may be limited to an external examination or may include an autopsy;

(B) An inquiry by law enforcement agencies having jurisdiction into the circumstances of the death, including a scene investigation and interview with the child's parents, guardian, or caretaker and the person who reported the child's death;
and

(C) A review of information regarding the child and family from relevant agencies, professionals, and providers of medical care.

(7) 'Panel' means the Georgia Child Fatality Review Panel established pursuant to Code Section 19-15-4.

(8) 'Protocol committee' means a multidisciplinary, multiagency committee established ~~for a county~~ pursuant to Code Section 19-15-2.

(9) 'Report' means a standardized form designated by the panel which is required for collecting data on child fatalities reviewed by local child fatality review committees.

(10) 'Review committee' means a multidisciplinary, multiagency child fatality review committee established for a county or circuit pursuant to Code Section 19-15-3.

(11) 'Sexual abuse' means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not ~~that~~ such person's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

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

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

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

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

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

~~'Sexual abuse'~~ Sexual abuse shall ~~not~~ include consensual sex acts ~~involving persons of the opposite sex~~ when the sex acts are between minors ~~or~~ if any individual is less than 14 years of age; provided, however, that it shall not include consensual sex acts when the sex acts are between a minor and an adult who is not more than ~~three~~ four years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

(12) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires ~~that~~ a child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

SECTION 4.

Said title is further amended by revising Code Section 19-5-2, relating to protocol committee on child abuse, as follows:

"19-15-2.

(a) ~~Each~~ Except as provided in paragraph (3) of subsection (b) of this Code section, each county shall be required to establish a protocol for the investigation and prosecution of alleged cases of child abuse as provided in this Code section.

(b)(1) The chief superior court judge of the circuit in which the county is located shall establish a protocol committee as provided in subsection (c) of this Code section and shall appoint an interim chairperson who shall preside over the first meeting, and the chief superior court judge shall appoint persons to fill any vacancies on the protocol committee.

(2) After the establishment of a ~~Thus established, the~~ protocol committee shall thereafter, the committee members shall elect a chairperson from ~~its~~ the protocol committee's membership. The protocol committee shall be charged with developing local protocols for the investigation and prosecution of alleged cases of child abuse.

(3) When a judicial circuit is composed of more than one county, the protocol committee shall determine if it shall be established for each county in the judicial circuit or if it will serve all of the counties within the judicial circuit.

(c)(1) Each of the following individuals, agencies, and entities shall designate a representative to serve on ~~the~~ a protocol committee established pursuant to paragraph (1) of subsection (b) of this Code section:

- (A) The sheriff;
- (B) The county department of family and children services;
- (C) The district attorney for the judicial circuit;
- (D) The presiding juvenile court judge;
- (E) The chief magistrate;
- (F) The county board of education;
- (G) The county mental health organization;
- (H) The chief of police of a county in counties which have a county police department;
- (I) The chief of police of the largest municipality in the county;
- (J) The county public health department, ~~which shall designate a physician to serve on the protocol committee;~~ and
- (K) The coroner or county medical examiner.

(2) Each of the following individuals, agencies, and entities shall designate a representative to serve on a protocol committee established pursuant to paragraph (3) of subsection (b) of this Code section:

- (A) The sheriff of each county in the judicial circuit;
- (B) The county department of family and children services of each county in the judicial circuit;
- (C) The district attorney for the judicial circuit;
- (D) The presiding juvenile court judge of each county in the judicial circuit;
- (E) The chief magistrate of each county in the judicial circuit;
- (F) The county board of education of each county in the judicial circuit;
- (G) The county mental health organization of each county in the judicial circuit;

(H) The chief of police of each county in the judicial circuit, if any;

(I) The chief of police of the largest municipality in the judicial circuit;

(J) The county public health department of each county in the judicial circuit; and

(K) The coroner or county medical examiner of each county in the judicial circuit.

(3) A representative of a local child advocacy center shall serve on a protocol committee established under paragraph (1) or (3) of subsection (b) of this Code section if one exists in such location.

(4) A representative of a sexual assault center shall serve on a protocol committee established under paragraph (1) or (3) of subsection (b) of this Code section if one exists in such location.

~~(2)~~(5) In addition to the representatives serving on the protocol committee as provided for in ~~paragraph~~ paragraphs (1) through (4) of this subsection, the chief superior court judge shall designate a representative from a local citizen or advocacy group which focuses on child abuse awareness and prevention to serve on such protocol committee.

~~(3)~~(6) If any designated agency fails to carry out its duties relating to participation on the protocol committee, the chief superior court judge of the circuit may issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.

(d) Each protocol committee ~~shall elect or appoint~~ a chairperson ~~who~~ shall be responsible for ensuring that written protocol procedures are followed by all agencies. Such person ~~can~~ may be independent of agencies listed in paragraph (1) of subsection (c) of this Code section. The protocol committee may appoint such additional members as necessary and proper to accomplish the purposes of the protocol committee.

(e) The protocol committee shall adopt a written protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the ~~panel~~ Office of the Child Advocate for the Protection of Children, a copy of which shall be furnished to each agency in the county handling the cases of abused children. The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child abuse and the methods to be used in coordinating treatment programs for the perpetrator, the family, and the child. The protocol shall also outline procedures to be used when child abuse occurs in a household where there is violence between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household. The protocol adopted shall not be inconsistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services.

(f) The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases, to minimize the stress created for the allegedly abused child by the legal and investigatory process, and to ensure that more effective treatment is provided for the perpetrator, the family, and the child, including counseling.

(g) Upon completion of the writing of the protocol, the protocol committee shall continue in existence and shall meet at least semiannually for the purpose of evaluating the effectiveness of the protocol and appropriately modifying and updating the same. The protocol committee shall file the updated protocol with the Division of Family and Children Services of the Department of Human Services and the Office of the Child Advocate for the Protection of Children not later than the first day of September each year.

(h) Each protocol committee shall adopt or amend its written protocol to specify the circumstances under which law enforcement officers shall and shall not be required to accompany investigators from the county department of family and children services when these investigators investigate reports of child abuse. In determining when law enforcement officers shall and shall not accompany investigators, the protocol committee shall consider the need to protect the alleged victim and the need to preserve the confidentiality of the report. Each protocol committee shall establish joint work efforts between the law enforcement and investigative agencies in child abuse investigations. The adoption or amendment of the protocol shall also describe measures which can be taken within the county or circuit, as the case may be, to prevent child abuse and shall be filed with and furnished to the same entities with or to which an original protocol is required to be filed or furnished. The protocol shall be further amended to specify procedures to be adopted by the protocol committee to ensure that written protocol procedures are followed.

(i) The protocol committee shall issue a report no later than the first day of July each year. Such report shall evaluate the extent to which investigations of child abuse during the 12 months prior to the report have complied with the protocols of the protocol committee, recommend measures to improve compliance, and describe which measures taken within the county or circuit, as the case may be, to prevent child abuse have been successful. The report shall be transmitted to the county governing authority, the fall term grand jury of the judicial circuit, the ~~panel~~ Office of the Child Advocate for the Protection of Children, and the chief superior court judge of the circuit.

(j) Each member of each protocol committee shall receive appropriate training within 12 months after his or her appointment. The Office of the Child Advocate for the Protection of Children shall provide such training.

(k) The protocol committee shall ~~adopt~~ include a written sexual abuse and sexual exploitation section within its protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the Office of the Child Advocate for the Protection of Children, a copy of which shall be furnished to each agency in the county handling the cases of sexually abused or exploited children. The sexual abuse and sexual exploitation section of the protocol shall ~~be a written document outlining~~ outline in detail the procedures to be used in investigating and prosecuting cases arising from alleged sexual abuse and sexual exploitation and the procedures to be followed concerning the obtainment of and payment for sexual assault examinations. ~~Each protocol committee shall adopt or amend its written sexual abuse and sexual exploitation protocol.~~ The sexual abuse and sexual exploitation section of the protocol

~~adopted~~ shall be consistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services. A The sexual abuse and sexual exploitation section of the protocol is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Such section of the protocol shall not limit or otherwise restrict a prosecuting attorney in the exercise of his or her discretion nor in the exercise of any otherwise lawful litigative prerogatives."

SECTION 5.

Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, is amended by revising Article 8, relating to the central child abuse registry, as follows:

"ARTICLE 8

49-5-180.

As used in this article, the term:

(1) 'Abuse investigator' means the division, any county ~~or district~~ department of ~~family and children services~~, or any designee thereof.

(2) 'Alleged child abuser' means ~~a person~~ an individual named in an abuse investigator's report as having committed a substantiated case.

(3) 'Child' means ~~any person~~ an individual under 18 years of age.

(4) 'Child abuse' ~~has~~ shall have the same meaning as in paragraph (4) of subsection (b) of Code Section 19-7-5.

~~(5) 'Child abuse crime' means:~~

~~(A) A violation of Article 1 or Article 2 of Chapter 5 of Title 16 or subsections (b) or (c) of Code Section 16-5-70, in which physical injury or death is inflicted on a minor child by a parent or caretaker thereof by other than accidental means;~~

~~(B) A violation of Code Section 16-12-1 regarding a minor child by a parent or caretaker thereof;~~

~~(C) A violation of Chapter 6 of Title 16 in which the victim is a minor;~~

~~(D) A violation of Part 2 of Article 3 of Chapter 12 of Title 16; or~~

~~(E) Any other crime that, in the discretion of the prosecuting attorney, constitutes child abuse.~~

~~(6)~~(5) 'Child abuse registry' means the Child Protective Services Information System.

~~(7) 'Convicted' means a finding or verdict of guilty or a plea of guilty regardless of whether an appeal of the conviction has been sought. Such term also includes having been arrested, charged, and sentenced for the commission of a child abuse crime for which:~~

~~(A) A plea of nolo contendere was entered to the charge; or~~

~~(B) First offender treatment without adjudication of guilt pursuant to the charge was granted. The order entered pursuant to the provisions of Article 3 of Chapter 8~~

~~of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime.~~

~~(8) 'Convicted child abuser' means a person who is convicted.~~

~~(9)(6)~~ 'Division' means the Division of Family and Children Services of the department.

~~(10)(7)~~ 'Out-of-state abuse investigator' means a public child protective agency or law enforcement agency of any other state bound by confidentiality requirements as to information obtained under this article which are similar to those provided in this article.

~~(11)(8)~~ 'Sexual abuse' ~~has~~ shall have the same meaning as in paragraph (10) of subsection (b) of Code Section 19-7-5.

~~(12)(9)~~ 'Sexual exploitation' ~~has~~ shall have the same meaning as in paragraph (11) of subsection (b) of Code Section 19-7-5.

~~(13)(10)~~ 'Substantiated case' means an investigation of a child abuse report by an abuse investigator which has been confirmed based upon a preponderance of the evidence that child abuse has occurred.

49-5-181.

(a) The division shall establish and maintain a central child abuse registry which shall be known as the 'Child Protective Services Information System.' The child abuse registry shall receive notice regarding:

~~(1) Substantiated~~ substantiated cases occurring on and after July 1, 2016, reported to the division pursuant to ~~subsection (a) of Code Section 49-5-182; and~~

~~(2) Convicted child abusers on and after July 1, 2016, reported to the division pursuant to subsection (b) of Code Section 49-5-182.~~

(b) The child abuse registry shall be operated in such a manner as to enable abuse investigators to:

(1) Immediately identify and locate substantiated cases ~~and convicted child abusers;~~ and

(2) Maintain and produce aggregate statistical data of substantiated cases ~~and cases of child abuse in which a person was convicted.~~

49-5-182.

~~(a)~~ An abuse investigator who completes the investigation of a child abuse report made pursuant to Code Section 19-7-5 or otherwise and determines that it is a substantiated case if the alleged child abuser was at least 13 years of age at the time of the commission of the act shall notify the division within 30 business days following such determination. Such notice may be submitted electronically and shall include the following:

(1) Name, age, sex, race, social security number, if known, and birthdate of the child alleged to have been abused;

(2) Name, age, sex, race, social security number, and birthdate of the parents, custodian, or caretaker of the child alleged to have been abused, if known;

(3) Name, age, sex, race, social security number, and birthdate of the person who committed the substantiated case; and

(4) A summary of the known details of the child abuse which at a minimum shall contain the classification of the abuse as provided in paragraph (4) of subsection (b) of Code Section 19-7-5 as either sexual abuse, physical abuse, child neglect, or a combination thereof.

~~(b) Upon receipt of a sentence for a convicted child abuser, the prosecuting attorney shall notify the division within 30 business days following such receipt. Such notice may be submitted electronically and shall include the following:~~

~~(1) A certified copy of the sentence;~~

~~(2) A complete history of the conviction, including a certified copy of the indictment, accusation, or both and such other information as the division may require;~~

~~(3) Name, age, sex, race, social security number, and birthdate of the victim of child abuse by the convicted child abuser, if known; and~~

~~(4) Name, age, sex, race, social security number, and birthdate of the parents, custodian, or caretaker of the victim of child abuse by the convicted child abuser, if known.~~

49-5-183.

(a) Upon receipt of an investigator's report of a substantiated case pursuant to ~~subsection (a) of~~ Code Section 49-5-182 naming an alleged child abuser, the division:

(1) Shall include in the child abuse registry the name of the alleged child abuser, the classification of the abuse as provided in paragraph (4) ~~of subsection (a) of~~ Code Section 49-5-182, and a copy of the investigator's report; and

(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~~ his or her 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.

(b) Any alleged child abuser who has not attained the age of majority set forth by Code Section 39-1-1 at the time of the hearing requested pursuant to subsection (d) of this Code section shall be entitled to representation at the hearing either by the alleged child abuser's parent or other legal guardian or by an attorney employed by such parent or guardian. In the event the administrative law judge conducting the hearing determines that any such alleged minor child abuser will not be so represented at the hearing, or that the interests of any such alleged minor child abuser may conflict with the interests of the alleged minor child abuser's parent or other legal guardian, the administrative law judge shall order the division to apply to the superior court of the county in which the alleged act of child abuse was committed to have counsel appointed for the alleged

minor child abuser. Payment for any such court appointed representation shall be made by such county.

(c) In order to exercise such right to a hearing, the alleged child abuser ~~must~~ shall file a written request for a hearing with the division within ten days after receipt of such notice. The written request shall contain the alleged child abuser's current residence address and, if ~~the person~~ he or she has a telephone, a telephone number at which ~~such person~~ he or she may be notified of the hearing.

(d) If the division receives a timely written request for a hearing under subsection (c) of this Code section, it shall transmit that request to the Office of State Administrative Hearings within ten days after such receipt. Notwithstanding any other provision of law, the Office of State Administrative Hearings shall conduct a hearing upon that request in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules of the Office of State Administrative Hearings adopted pursuant thereto, except as otherwise provided in this article. The hearing shall be for the purpose of an administrative determination regarding whether, based on a preponderance of evidence, there was child abuse committed by the alleged child abuser to justify the investigator's determination of a substantiated case. The Office of State Administrative Hearings shall give notice of the time and place of the hearing to the alleged child abuser by first-class mail to the address specified in the written request for a hearing and to the division by first-class mail at least ten days prior to the date of the hearing. It shall be a rebuttable presumption that any such notice is received five days after deposit in the United States mail with the correct address of the alleged child abuser and the division, respectively, and proper postage affixed. Unless postponed by mutual consent of the parties and the administrative law judge or for good cause shown, ~~that~~ such hearing shall be held within 30 business days following receipt by the Office of State Administrative Hearings of the request for a hearing, and a decision shall be rendered within five business days following such hearing. A motion for an expedited hearing may be filed in accordance with rules and regulations promulgated by the Office of State Administrative Hearings. The hearing may be continued as necessary to allow the appointment of counsel. A telephone hearing may be conducted concerning this matter in accordance with standards prescribed in paragraph (5) of Code Section 50-13-15. Upon the request of any party to the proceeding or the assigned administrative law judge, venue may be transferred to any location within ~~the~~ this state if all parties and the administrative law judge consent to such a change of venue. Otherwise, the hearing shall be conducted in the county in which the alleged act of child abuse was committed. The doctrines of collateral estoppel and res judicata as applied in judicial proceedings are applicable to the administrative hearings held pursuant to this article.

(e) At the conclusion of the hearing under subsection (d) of this Code section, upon a finding that there is not a preponderance of evidence to conclude that the alleged child abuser committed an act of child abuse, the administrative law judge shall order that the alleged child abuser's name be removed from the child abuse registry. The general public shall be excluded from hearings of the Office of State Administrative Hearings

held pursuant to this article, and the files and records relating thereto shall be confidential and not subject to public inspection.

(f) Notwithstanding any other provision of law, the decision of the administrative law judge under subsection (e) of this Code section shall constitute the final administrative decision. Any party shall have the right of judicial review of such decision in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the petition for review shall be filed within ten days after such decision and may only be filed with and the decision appealed to the superior court of the county where the hearing took place or, if the hearing was conducted by telephone, the Superior Court of Fulton County. The procedures for such appeal shall be substantially the same as those for judicial review of contested cases under Code Section 50-13-19 except that the filing of a petition for judicial review stays the listing of the petitioner's name upon the child abuse registry, and the superior court shall conduct the review and render its decision thereon within 30 days following the filing of the petition. The review and records thereof shall be closed to the public and not subject to public inspection.

(g) The administrative law judge shall transmit to the division his or her decision regarding the alleged child abuser and the investigator's report regarding such individual within ten days following that decision unless a petition for judicial review of that decision is filed within the permitted time period. If a timely petition for judicial review is filed within the permitted time period, the superior court shall transmit to the division its decision regarding the alleged child abuser and the investigator's report regarding such individual within ten days following that decision.

(h) With regard to a minor child alleged to have committed abuse, the division shall remove such individual's name from the registry if:

(1) He or she has reached 18 years of age;

(2) More than one year has passed from the date of the act or omission that resulted in a substantiated case and there have been no subsequent acts or omissions resulting in a substantiated case; and

(3) He or she can prove by a preponderance of the evidence that he or she has been rehabilitated.

49-5-184.

~~(a) Upon receipt of a notice from a prosecuting attorney pursuant to subsection (b) of Code Section 49-5-182, the division shall include in the child abuse registry the name of the convicted child abuser, the offense for which he or she was convicted, and whether the offense is considered physical abuse, neglect or exploitation, sexual abuse, or sexual exploitation.~~

~~(b)(a) An individual~~ Any person whose name appears in the child abuse registry as a ~~convicted child abuser~~ having committed a substantiated case shall be entitled to a hearing for an administrative determination of whether or not expungement of such ~~person's~~ individual's name should be ordered. In order to exercise such right, the ~~person must~~ individual shall file a written request for a hearing with the division. The

provisions of this subsection shall not apply to ~~persons~~ individuals who have waived ~~their~~ a hearing after receipt of notice.

~~(e)~~(b) Upon receipt by the division of a written request for a hearing pursuant to subsection ~~(b)~~ (a) of this Code section, the division shall transmit such request to the Office of State Administrative Hearings within ten days of receipt. The Office of State Administrative Hearings shall conduct a hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except as otherwise provided in this Code section. A hearing shall be conducted within 60 days following receipt of the request by the Office of State Administrative Hearings. Upon a finding that there is no credible evidence that the ~~person~~ individual who requested the hearing is ~~a convicted child abuser~~ had a substantiated case, the Office of State Administrative Hearings shall order the division to expunge that name from the registry. The general public shall be excluded from such hearings and the files and records relating thereto shall be confidential and not subject to public inspection.

~~(d)~~(c) Notwithstanding any other provision of law, the decision of the Office of State Administrative Hearings pursuant to subsection ~~(e)~~ (b) of this Code section shall constitute the final agency decision. Any party shall have the right of judicial review of that decision in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the petition for review shall be filed within 30 days after such decision and may only be filed with and the decision appealed to the superior court of the county where the hearing took place or, if the hearing was conducted by telephone, the Superior Court of Fulton County. The procedures for such appeal shall be the same as those for judicial review of contested cases under Code Section 50-13-19. The review and records thereof shall be closed to the public and not subject to public inspection.

49-5-185.

(a) Except as otherwise authorized in subsection (c) of this Code section and subsection (b) of Code Section 49-5-186, the only persons or entities ~~who~~ that may access or be provided any information from the child abuse registry are:

- (1) An abuse investigator who has investigated or is investigating a case of possible child abuse and who shall only be provided information relating to ~~that~~ such case for purposes of using ~~that~~ such information in such investigation;
- (2) State or other government agencies of this state or any other state which license entities that have interactions with children or are responsible for providing care for children or licensed entities in this state which interact with children or are responsible for providing care for children and which shall only be provided information for purposes of licensing or employment of a specific individual;
- (3) A licensing entity, which may disclose information from the child abuse registry in a written notice to an applicant or licensed entity whose license is denied or revoked as a result of information found in the registry, to the extent that such information is required in such notice by a federal or state law, regulation, or policy;

or in a proceeding arising from an adverse action taken against a licensed entity or individual as a result of information found in the registry; ~~and~~

(4) The Department of Early Care and Learning, which is authorized to disclose all or a portion of the information from the child abuse registry used to determine that a records check is unsatisfactory or to rescind a determination that a records check is satisfactory to an individual who has submitted a records check application or whose satisfactory records check determination has been rescinded in accordance with Article 2 of Chapter 1A of Title 20; and

(5) An affiliate court appointed special advocate program, as such term is defined in Code Section 15-11-2, which information shall be provided and used solely for the purpose of screening and selecting employees and volunteers of such affiliate court appointed special advocate program and screening and selecting individuals to serve as a CASA, as such term is defined in Code Section 15-11-2.

(b) The division shall provide the Governor's office, the General Assembly, district attorneys, and law enforcement agencies with a statistical analysis of substantiated cases of child abuse ~~and convicted child abusers~~ entered into the child abuse registry at the end of each calendar year. This analysis shall not include the names of any children, parents, or persons associated with the child abuse. This analysis shall not be protected by any laws prohibiting the dissemination of confidential information.

(c) ~~A person~~ An individual may make a written request to the division to find out whether ~~such person's~~ his or her name is included in the child abuse registry. Upon presentation of a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104, the office receiving such request shall disclose to such ~~person~~ individual whether his or her name is included in the child abuse registry and, if so, the date upon which his or her name was listed in the registry ~~and the substantiated case or child abuse crime for which such person was convicted.~~

(d) The division shall provide persons and entities authorized in subsection (a) of this Code section with access to or information from the child abuse registry sufficient to meet the requirements prescribed by Congress as conditions to federal funding for programs administered by such ~~entities or persons~~ or entities.

49-5-186.

(a) Information in the child abuse registry shall be confidential and shall not be subject to Article 4 of Chapter 18 of Title 50, and access thereto is prohibited except as provided in this article. Such information shall not be deemed to be a record of child abuse for purposes of Article 2 of this chapter.

(b)(1) Information obtained from the child abuse registry shall not be made a part of any record which is open to the public except as provided in paragraph (2) of this subsection; provided, however, that a district attorney may use such information in any court proceeding in the course of any criminal prosecution, if such information is otherwise admissible.

(2) Notwithstanding any other provisions of law, information in the child abuse registry applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent, which information relates to the child while in the custody of such state department or agency or foster parent, shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50.

(c) Any person who knowingly provides any information from the child abuse registry to a person not authorized to be provided such information under this article shall be guilty of a misdemeanor.

(d) Any person who knowingly and under false pretense obtains or attempts to obtain information which was obtained from the child abuse registry, except as authorized in this article, shall be guilty of a misdemeanor.

49-5-187.

The division and other authorized agencies, entities, and persons and the employees thereof providing information from the child abuse registry as authorized by this article and any person who uses such information shall have no civil liability or criminal responsibility therefor."

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | E Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | E Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | Y Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Y Broadrick | Y Duncan | Y Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | Y Efrstration | Y Jordan | Y Pruettt | Y Thomas, A.M. |
| E Bryant | Y Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |

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

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

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

House of Representatives
State Capitol, Suite 401
Atlanta, Georgia 30334

February 25, 2016

Subject: House Bill 905

Dear Clerk of the House,

With regard to House Bill 905 in the 2016 legislative session, I would like to formally register my vote of "Yea". I was in the House anteroom when the presentation of House Bill 905 concluded. Unfortunately, after running across the floor of the House, I was not able to get to my Seat #152 on the opposite side of the House chamber in time to vote. I would appreciate the office of the Clerk recording my vote as a "Yea" on this bill.

I urge you to contact me at through my administrative assistant Dianna Allen in 401 Capitol at 404-656-7857 if you have any questions regarding this matter.

Very Respectfully,

/s/ Ed Setzler
Representative, District 35
Chairman, Science & Technology

HB 770. By Representatives Efstoration of the 104th, Welch of the 110th, Houston of the 170th, Atwood of the 179th, Evans of the 42nd and others:

A BILL to be entitled an Act to amend Code Section 16-5-46 of the Official Code of Georgia Annotated, relating to trafficking of persons for labor or sexual servitude, so as to provide for and revise defined terms; to change penalty provisions; to remove a potential defense to a charge of trafficking of persons for labor or sexual servitude; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-5-46 of the Official Code of Georgia Annotated, relating to trafficking of persons for labor or sexual servitude, so as to provide for and revise defined terms; to change penalty provisions; to remove a potential defense to a charge of trafficking of persons for labor or sexual servitude; 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 16-5-46 of the Official Code of Georgia Annotated, relating to trafficking of persons for labor or sexual servitude, is amended by revising subsections (a), (d), and (f) and by adding a new subsection to read as follows:

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

(1) 'Developmental disability' shall have the same meaning as set forth in Code Section 37-1-1.

~~(1)~~(2) 'Coercion' means:

(A) Causing or threatening to cause bodily harm to any ~~person~~ individual, physically restraining or confining any ~~person~~ individual, or threatening to physically restrain or confine any ~~person~~ individual;

(B) Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a ~~person~~ an individual to criminal or immigration proceedings, hatred, contempt, or ridicule;

(C) Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any ~~person~~ individual;

~~(D) Providing a controlled substance, as such term is defined by Code Section 16-13-21,~~ to such ~~person~~ individual for the purpose of compelling such ~~person~~ individual to engage in labor or sexual servitude against his or her will; or

(E) Causing or threatening to cause financial harm to any ~~person~~ individual or using financial control over any ~~person~~ individual.

(3) 'Controlled substance' shall have the same meaning as set forth in Code Section 16-13-21.

~~(2)~~(4) 'Deception' means:

(A) Creating or confirming another's impression of an existing fact or past event which is false and which the accused knows or believes to be false;

(B) Maintaining the status or condition of ~~a person~~ an individual arising from a pledge by ~~that person~~ such individual of his or her personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing ~~a person~~ an individual from acquiring information pertinent to the disposition of such debt; or

(C) Promising benefits or the performance of services which the accused does not intend to deliver or perform or knows will not be delivered or performed. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this Code section.

~~(3)~~(5) 'Labor servitude' means work or service of economic or financial value which is performed or provided by another person individual and is induced or obtained by coercion or deception.

~~(4)~~(6) 'Performance' shall have the same meaning as set forth in Code Section 16-12-100.

~~(5)~~(7) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

~~(6)~~(8) 'Sexual servitude' means:

~~(A) Any any sexually explicit conduct or performance involving sexually explicit conduct for which anything of value is directly or indirectly given, promised to, or received by any person individual, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person;~~

(A) By coercion or deception;

(B) From an individual who is under the age of 18 years;

(C) From an individual whom the accused believes to be under the age of 18 years;

(D) From an individual who has a developmental disability; or

(E) From an individual whom the accused believes to have a developmental disability or

~~(B) Any sexually explicit conduct or performance involving sexually explicit conduct which is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years."~~

"(d) The age of consent for sexual activity or the accused's lack of knowledge of the age or developmental disability of the ~~person~~ individual being trafficked shall not constitute a defense in a prosecution for a violation of this Code section."

"(f)(1) Except as provided in paragraph (2) of this subsection, any ~~accused person~~ person who commits the offense of trafficking ~~a person~~ an individual for labor or sexual servitude shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years, and a fine not to exceed \$100,000.00, ~~or both~~.

(2) Any ~~accused person~~ person who commits the offense of trafficking ~~a person~~ an individual for labor or sexual servitude against ~~a person~~ an individual who is under the age of 18 years shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years, and a fine not to exceed \$100,000.00, ~~or both~~; provided, however, that if the offense is committed against ~~a person~~ an individual under 18 years of age and such ~~person~~ individual under the age of 18 years was coerced or deceived into being trafficked for labor or sexual servitude, ~~the accused~~ or if the offense is committed against an individual who has a developmental disability, the person shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than 25 nor more than 50 years or life imprisonment, and a fine not to exceed \$100,000.00, ~~or both~~."

"(k) The sole fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this Code section shall not constitute a defense to prosecution under this Code section; provided, however, that Code Section 16-3-25 may still provide an absolute defense."

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| N Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | E Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | N Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Drenner | Y Jackson | N Pezold | Y Tankersley |

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

On the passage of the Bill, by substitute, the ayes were 167, nays 3.

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

HB 987. By Representatives McCall of the 33rd and Powell of the 171st:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to change certain definitions regarding such taxation; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, residential transitional property, application procedures, penalties for breach of covenant, classification on tax digest, and annual report, so as to provide an exception to a breach of covenant for bona fide conservation use property; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, residential transitional property, application procedures, penalties for breach of covenant, classification on tax digest, and annual report, is amended in subsection (p) by deleting "or" at the end of paragraph (8), by deleting the period and inserting "; or" at the end of paragraph (9), and by adding a new paragraph to read as follows:

"(10) Allowing all or part of the property subject to the covenant to be used to host a not for profit rodeo event to which spectator admission and participant entry fees are charged in an amount that in aggregate does not exceed the cost of hosting such event."

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatcher | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | E Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | Y Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Y Broadrick | Y Duncan | Y Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efrstration | Y Jordan | Y Pruett | Y Thomas, A.M. |
| E Bryant | Y Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | Y Waites |
| Y Caldwell, M | Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Y Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccia | Y Rhodes | Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Y Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |

| | | | | |
|------------|------------|-----------|------------|------------------|
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | 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.

HB 897. By Representatives Price of the 48th, Cooper of the 43rd, Broadrick of the 4th, Lott of the 122nd, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 31 of the O.C.G.A., relating to the care and protection of indigent and elderly patients, so as to provide for the establishment and operation of a drug repository program to accept and dispense unused prescription drugs; to amend Chapter 4 of Title 26 of the O.C.G.A., relating to pharmacists and pharmacies, so as to repeal the "Utilization of Unused Prescription Drugs Act"; to amend Article 7 of Chapter 4 of Title 49 of the O.C.G.A., relating to medical assistance generally, so as to revise a provision for purposes of conformity; 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 8 of Title 31 of the Official Code of Georgia Annotated, relating to the care and protection of indigent and elderly patients, so as to provide for the establishment and operation of a drug repository program to accept and dispense unused over-the-counter and prescription drugs; to provide for definitions; to provide for criteria and requirements for unused over-the-counter and prescription drugs; to provide procedures for donation and dispensing of unused over-the-counter and prescription drugs; to provide for limited liability; to provide for rules and regulations; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to repeal the "Utilization of Unused Prescription Drugs Act"; to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to revise a provision for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the care and protection of indigent and elderly patients, is amended by adding a new article to read as follows:

"ARTICLE 10

31-8-300.

As used in this article, the term:

- (1) 'Controlled substance' means a drug, substance, or immediate precursor in Schedules I through V of Code Sections 16-13-25 through 16-13-29 and Schedules I through V of 21 C.F.R. Part 1308.
- (2) 'Eligible patient' means an individual who is indigent, uninsured, underinsured, or enrolled in a public assistance health benefits program, in accordance with criteria established by the Department of Public Health pursuant to Code Section 31-8-304. Other individuals may be considered eligible patients if the need for donated drugs for indigent, uninsured, underinsured, and public assistance health benefits program patients is less than the supply of donated drugs.
- (3) 'Eligible recipient' means a pharmacy, hospital, federally qualified health center, nonprofit clinic, or other entity meeting the criteria established by the Department of Public Health pursuant to Code Section 31-8-304.
- (4) 'Health care facility' means a:
 - (A) Nursing home licensed pursuant to Article 1 of Chapter 7 of this title;
 - (B) Personal care home licensed pursuant to Code Section 31-7-12;
 - (C) Assisted living community licensed pursuant to Code Section 31-7-12.2;
 - (D) Hospice licensed pursuant to Article 9 of Chapter 7 of this title; and
 - (E) Home health agency licensed pursuant to Article 7 of Chapter 7 of this title.
- (5) 'Health care professional' means any of the following who provide medical, dental, or other health related diagnosis, care, or treatment:
 - (A) Physicians licensed to practice medicine under Chapter 34 of Title 43;
 - (B) Registered nurses and licensed practical nurses licensed under Chapter 26 of Title 43;
 - (C) Physician assistants licensed under Chapter 34 of Title 43;
 - (D) Dentists and dental hygienists licensed under Chapter 11 of Title 43;
 - (E) Optometrists licensed under Chapter 30 of Title 43; and
 - (F) Pharmacists licensed under Chapter 4 of Title 26.
- (6) 'Hospital' means a facility licensed pursuant to Chapter 7 of this title.
- (7) 'Program' means the drug repository program established pursuant to Code Section 31-8-301.

31-8-301.

(a) The Department of Public Health shall establish a drug repository program to accept and dispense over-the-counter and prescription drugs donated for the purpose of being dispensed to eligible patients.

(b) Drugs shall only be dispensed pursuant to the program if:

(1) For prescription drugs, they do not expire before the completion of the medication by the eligible patient based on the prescribing health care professional's directions for use and, for over-the-counter drugs, they do not expire before use by the eligible patient based on the directions for use on the manufacturer's label; and

(2) The drugs were donated in unopened tamper-evident packaging as defined by United States Pharmacopeia General Chapter 659, Packaging and Storage Requirements, including but not limited to unopened unit-dose and multiple-dose packaging.

(c) The following drugs shall not be donated to the program:

(1) Controlled substances;

(2) Drugs subject to a federal Food and Drug Administration managed risk evaluation and mitigation strategy pursuant to Section 355-1 of Title 21 of the United States Code if inventory transfer is prohibited by such strategy; or

(3) Drugs that there is reason to believe are adulterated pursuant to Code Section 26-3-7.

31-8-302.

(a) Any person, including a drug manufacturer, wholesaler, reverse distributor pharmacy, third-party logistics provider, government entity, hospital, or health care facility, may donate over-the-counter and prescription drugs to the program. The drugs shall be donated to an eligible recipient that voluntarily elects to participate in the program. Nothing in this or any other Code section shall require an eligible recipient to participate in the program.

(b) An eligible recipient may do any of the following:

(1) Accept and dispense donated drugs to eligible patients. Prescription drugs shall only be dispensed pursuant to a valid prescription drug order. Eligible patients who are indigent, uninsured, underinsured, or enrolled in a public assistance health benefits program in accordance with criteria established by the Department of Public Health pursuant to Code Section 31-8-304 shall be prioritized over other individuals;

(2) Transfer donated drugs to another eligible recipient participating in the program or to a drug repository program operated by another state;

(3) Repackage donated drugs as necessary for dispensing, administration, or transfers; and

(4) Replenish drugs previously dispensed or administered to eligible patients.

(c) An eligible recipient that accepts donated drugs shall comply with all applicable federal laws and laws of this state dealing with storage and distribution of dangerous drugs and shall inspect all drugs prior to dispensing them to determine that they are not adulterated.

(d) An eligible recipient may charge a handling fee established in accordance with rules and regulations adopted by the Department of Public Health pursuant to Code Section 31-8-304; provided, however, that any such fee shall not exceed the reasonable costs of participating in the program.

(e) Drugs donated to the program shall not be resold; provided, however, that reimbursement for any fee charged as authorized pursuant to this article by a health plan or pharmacy benefits manager for donated drugs shall not constitute reselling. Nothing in this article shall require a health plan or pharmacy benefits manager to be reimbursed for donated drugs.

31-8-303.

When complying with the provisions of this article and the rules and regulations adopted pursuant to this chapter, unless an action or omission constitutes willful or wanton misconduct, the following persons or entities shall not be subject to criminal or civil prosecution, criminal or civil liability for injury, death, or loss to person or property, other criminal or civil action, or disciplinary actions by licensing, professional, or regulatory agencies:

- (1) A person that donates or gives drugs to an eligible recipient, including a drug manufacturer, wholesaler, reverse distributor pharmacy, third-party logistics provider, government entity, hospital, or health care facility;
- (2) An eligible recipient;
- (3) A health care professional who prescribes or dispenses a donated drug;
- (4) The Department of Public Health and State Board of Pharmacy;
- (5) An intermediary that helps administer the program by facilitating the donation or transfer of drugs to eligible recipients;
- (6) A manufacturer or repackager of a donated drug; and
- (7) Any employee, volunteer, trainee, or other staff of individuals and entities listed in paragraphs (1) through (6) of this Code section.

31-8-304.

(a) No later than January 1, 2017, the Department of Public Health shall establish rules and regulations to implement the program according to the provisions of this article for criteria for eligible recipients; standards and procedures for safely storing and dispensing donated drugs; criteria for eligible patients to receive donated drugs, including priority for patients who are indigent, uninsured, underinsured, or enrolled in a public assistance health benefits program; and handling fees that may be charged by eligible recipients to eligible patients to cover restocking, marketing, administrative, and dispensing costs.

(b) The Department of Public Health may waive any provision of this article if it determines that the waiver is in the interest of public health and safety."

SECTION 2.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by repealing and reserving Article 11, the "Utilization of Unused Prescription Drugs Act," in its entirety.

SECTION 3.

Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, is amended by revising Code Section 49-4-152.5, relating to restocking fees, as follows:

"49-4-152.5.

In the provision of medical assistance pursuant to this article, the department shall allow for the payment and coverage of appropriate restocking fees incurred by a pharmacy which receives and dispenses unused over-the-counter and prescription drugs pursuant to ~~Article 11 of Chapter 4 of Title 26, the 'Utilization of Unused Prescription Drugs Act.'~~ Article 10 of Chapter 8 of Title 31."

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | E Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | Y Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Taylor, D |
| Y Broadrick | Y Duncan | Y Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efratration | Y Jordan | Y Pruett | Y Thomas, A.M. |
| E Bryant | Y Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | Y Waites |

| | | | | |
|---------------|------------|------------|-------------|------------------|
| Y Caldwell, M | Y Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccia | Y Rhodes | Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | Ralston, Speaker |

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

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

HB 981. By Representatives Harrell of the 106th, Abrams of the 89th, Gardner of the 57th, Kaiser of the 59th, Thomas of the 56th and others:

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 property tax exemptions, so as to allow certain for profit corporations to participate in the indirect ownership of a home for the mentally disabled for primarily financing purposes; to provide for procedures, conditions, and limitations; to provide for a referendum; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to property tax exemptions, so as to allow certain for profit corporations to participate in the indirect ownership of a home for the mentally disabled for primarily financing purposes; to provide for procedures, conditions, and limitations; to provide for a referendum; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to provide for applicability; 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 property tax exemptions, is amended by revising paragraph (13) of subsection (a) of Code Section 48-5-41, relating to property exempt from taxation, as follows:

"(13)(A) All property of any nonprofit home for the mentally disabled used in connection with its operation when the home for the mentally disabled has no stockholders and no income or profit which is distributed to or for the benefit of any private person and when the home is qualified as an exempt organization under the United States Internal Revenue Code of 1954, Section 501(c)(3), as amended, and Code Section 48-7-25, and is subject to the laws of this state regulating nonprofit and charitable corporations.

(B) Property exempted by this paragraph shall not include property of a home for the mentally disabled held primarily for investment purposes or used for purposes unrelated to the providing of residential or health care to the mentally disabled;.

(C) For purposes of this paragraph, indirect ownership of such home for the mentally disabled through a limited liability company that is fully owned by such exempt organization shall be considered direct ownership.

(D) For purposes of this paragraph, the participation of a for profit corporation or other entity or person in the indirect ownership of such home for the mentally disabled, as a member of the limited liability company or limited partner of the partnership that is the direct owner of such home, for the purpose of providing financing for the construction or renovation of such home in return for a share of any tax credits pursuant to United States Internal Revenue Code of 1986, Section 42, as amended, and which relinquishes all ownership of such home upon the completion of its obligation under the financing agreement, shall not operate to disqualify such home for the exemption under this paragraph;"

SECTION 2.

The Secretary of State shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the entire state for approval or rejection. The Secretary of State shall conduct such election on the Tuesday next following the first Monday in November, 2016, and shall issue the call and conduct that election as provided by general law. The Secretary of State 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 each county in the state. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides an exemption from ad valorem
() NO taxes on homes for the mentally disabled if they include for profit corporations in the ownership structure for financing purposes?"

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, Section 1 of this Act shall become

of full force and effect on January 1, 2017, and shall be applicable to all tax years beginning on or after such date. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective, and this Act shall be automatically repealed on the first day of January immediately following that election date. It shall be the duty of each county election superintendent to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

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

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

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

| | | | | |
|------------------|-------------------|---------------|-----------------|----------------|
| Y Abrams | Y Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Smith, L |
| Y Allison | Y Cooper | Y Hatcher | Morris | Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | E Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | Y Dudgeon | Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Y Broadrick | Y Duncan | Y Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efstoration | Y Jordan | Y Pruet | Y Thomas, A.M. |
| E Bryant | Y Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | Y Waites |
| Y Caldwell, M | Y Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccica | Y Rhodes | Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Y Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |

| | | | | |
|------------|------------|-----------|-----------|------------------|
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Y Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Meadows | E Sims | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

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

HB 216. By Representatives Gravley of the 67th, Hitchens of the 161st, Powell of the 32nd, Watson of the 172nd, Waites of the 60th and others:

A BILL to be entitled an Act to amend Part 1 of Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to compensation for occupational diseases, so as to define certain terms; to provide for a rebuttable presumption that certain medical conditions suffered by firefighters are occupational diseases; to provide for applicability; to provide for benefits; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to compensation for occupational disease, so as to include certain ordinary diseases of life attributable to the performance of the usual work of an employee within the meaning of occupational disease; 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 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to compensation for occupational disease, is amended by revising Code Section 34-9-280, relating to definitions, as follows:

"34-9-280.

As used in this article, the term:

(1) 'Disablement' means the event of an employee becoming actually disabled to work, as provided in Code Sections 34-9-261, 34-9-262, and 34-9-263, because of occupational disease.

(2) 'Occupational disease' means those diseases which arise out of and in the course of the particular trade, occupation, process, or employment in which the employee is exposed to such disease, provided the employee or the employee's dependents first prove to the satisfaction of the State Board of Workers' Compensation all of the following:

(A) A direct causal connection between the conditions under which the work is performed and the disease;

(B) That the disease followed as a natural incident of exposure by reason of the employment;

(C) That the disease is not of a character to which the employee may have had substantial exposure outside of the employment;

(D) That the disease is not an ordinary disease of life to which the general public is exposed; provided, however, that for firefighters, as defined in Code Section 25-4-2, the disease of cancer, otherwise considered an ordinary disease of life, is shown by a preponderance of the competent and credible evidence, which shall include medical evidence, to have been attributable to the firefighter's performance of his or her duties as a firefighter; and

(E) That the disease must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a natural consequence.

For the purposes of this paragraph, partial loss of hearing due to noise shall not be considered an occupational disease. Psychiatric and psychological problems and heart and vascular diseases shall not be considered occupational diseases, except where they arise from a separate occupational disease."

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | N Harrell | Y Mitchell | Y Smith, L |
| Y Allison | Y Cooper | N Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | N Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | N Pak | Y Stephens, R |
| Y Belton | N Dickey | Y Holmes | Y Parrish | Stephenson |

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

On the passage of the Bill, by substitute, the ayes were 148, nays 19.

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

HB 205. By Representatives Rice of the 95th and Petrea of the 166th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to require a driver who refused blood alcohol concentration testing as required by implied consent laws or an offender convicted of DUI with a blood alcohol concentration of 0.15 grams or higher to install and maintain ignition interlock devices on his or her vehicle; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to uniform rules of the road, so as to provide for the probation of terms of imprisonment for DUI offenders in certain instances; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as condition of probation, so as to provide for the court issuance of a certificate of installation of ignition interlock devices; 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 5 of Title 40 and Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to drivers' licenses and ignition interlock devices as condition of probation, respectively, so as to provide for changes to licensing and driving privileges for individuals arrested for driving under the influence; to provide for the issuance of an optional ignition interlock device limited driving permit upon arrest for driving under the influence under certain circumstances; to provide for submission of a report by the Department of Driver Services; to provide for procedures, conditions, fees, and limitations for the issuance of an ignition interlock device limited driving permit; to change the time frame for requesting hearings after an arrest for driving under the influence; to provide for cancellation of restrictions upon successful completion of complying with an ignition interlock device limited driving permit; to provide for conditions of maintaining ignition interlock devices and use of such devices; to revise and correct cross-references; to provide for an effective date; 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 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising subsections (a), (c) through (e), and (g) as follows:

"(a) **To whom issued.**

(1) Notwithstanding any contrary provision of this Code section or Code Section 40-5-57, or 40-5-63, or any other Code section of this chapter 40-5-75, 40-5-121, or 42-8-111, 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 had a suspension imposed prior to July 1, 2015, under Code Section 40-5-22 or that person's driver's license has been suspended in accordance with 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.

~~(2) Any person whose driver's license has been suspended as a result of a second conviction for violating 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, may apply for an ignition interlock limited driving permit after serving at least 120 days of the suspension required for such conviction and providing either a certificate of eligibility from a drug court program in the court in which he or she was convicted of the offense for which such suspension was imposed or by submitting proof of enrollment in clinical treatment as provided in Code Section 40-5-63.1. No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 shall be eligible for a limited driving permit, an ignition interlock device limited driving permit, or any other driving privilege for a period of one year.~~

(3) To the extent a person is subject to more than one suspension for which a limited driving permit may be issued, the department shall not issue such permit unless the suspensions are for a conviction for driving under the influence in violation of Code Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same incident."

"(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 or performing the normal duties of his or her occupation;
- (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 community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office or reporting to a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 or performing community service; or

(7) Transporting an immediate family member who does not hold a valid driver's license for work, to obtain 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 imposed prior to July 1, 2015, 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.~~

(d) **Conditions attached.** A limited driving permit shall be endorsed with such conditions as the commissioner deems necessary to ensure that such permit will be used by the permittee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

(1) Specific places between which the permittee may be allowed to operate a motor vehicle;

(2) Routes to be followed by the permittee;

(3) Times of travel;

(4) The specific vehicles which the permittee may operate; and

~~(4.1) The installation and use of an ignition interlock device in accordance with Article 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for an ignition interlock limited driving permit; and~~

(5) Such other restrictions as the department may require.

(e) **Fees, duration, renewal, and replacement of limited driving permit.**

~~(1) A limited driving permit issued pursuant to this Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57 or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, or upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the~~

department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the ~~citation~~ administrative driver's license suspension form or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. ~~Permits~~ Limited driving permits issued pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00. ~~Permits~~ Limited driving permits may be renewed until the person has his or her license reinstated for the violation that was the basis of the issuance of the limited driving permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed limited driving permit issued to him or her.

~~(2) An ignition interlock device limited driving permit shall be valid for a period of one year. Upon successful completion of one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of two months as provided in paragraph (1) of this subsection."~~

"(g) **Revocation of limited driving permit.**

~~(1)(A) Any limited driving permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any limited driving permittee who is convicted of violating the conditions endorsed on his or her limited driving permit shall have his or her such permit revoked by the department. Any court in which such conviction is had shall require the such permittee to surrender the his or her limited driving 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.~~

~~(B) Upon receipt of notice from the Department of Behavioral Health and Developmental Disabilities that a permittee who is required to complete a substance abuse treatment program pursuant to Code Section 40-5-63.1 enrolled in but failed to attend or complete such program as scheduled, the department shall revoke such person's limited driving permit and, by regular mail to his or her last known address, notify such person of such revocation. Such notice of revocation shall inform the person of the grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.~~

~~(C) Upon receipt of notice from a provider center for ignition interlock devices that an ignition interlock device which a permittee is required to use has been tampered with or the permittee has failed to report for monitoring of such device as required by law, the department shall revoke such permittee's limited driving permit and, by regular mail to his or her last known address, notify such person of such revocation. Such notice of revocation shall inform the person of the grounds for and effective~~

~~date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.~~

(2) 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. In any case of revocation of a limited driving permit pursuant to ~~subparagraph (A) of~~ paragraph (1) of this subsection, the department may impose an additional period of suspension for the conviction upon which revocation of the permit was based."

SECTION 1-2.

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

"40-5-64.1.

(a) To whom issued.

(1) 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 and whose driver's license is subject to an administrative driver's license suspension pursuant to subsections (c) and (d) of Code Section 40-5-67.1, may apply for an ignition interlock device limited driving permit with the department.

(2) Any person whose driver's license has been suspended as a result of a second conviction for violating 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, may apply for an ignition interlock device limited driving permit after serving at least 120 days of the suspension required for such conviction.

(b) Application form. Applications for ignition interlock device limited driving permits shall be made upon such forms as the commissioner may prescribe. All applications shall be signed by the applicant before a person authorized to administer oaths.

(c) Standards for approval.

(1) The department shall issue an ignition interlock device limited driving permit for a fee of \$25.00 and:

(A) For an applicant eligible for an ignition interlock device limited driving permit pursuant to paragraph (1) of subsection (a) of this Code section:

(i) Within 30 days from the date on which notice was given pursuant to subsection (g) of Code Section 40-5-67.1;

(ii) Upon surrender of the applicant's driver's license; and

(iii) Upon the applicant's execution of an affidavit attesting that the hearing afforded under subsection (g) of Code Section 40-5-67.1 has been waived; or

(B) For an applicant eligible for an ignition interlock device limited driving permit pursuant to paragraph (2) of subsection (a) of this Code section, upon the

submission of either a certificate of eligibility from a drug court program in the court in which he or she was convicted of the offense for which such suspension was imposed or the submission of proof of enrollment in a substance abuse treatment program as provided in Code Section 40-5-63.1 and the surrender of his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the administrative driver's license suspension form or conviction.

(2) No person who has been granted an exemption from the ignition interlock device requirements of Article 7 of Chapter 8 of Title 42 shall be eligible for a limited driving permit or any other driving privilege for a period of one year.

(d) Duration, renewal fees, and replacement of ignition interlock device limited driving permit.

(1) An ignition interlock device limited driving permit issued pursuant to this Code section shall become invalid upon the expiration of one year following issuance thereof or upon any earlier reinstatement of the driver's license.

(2) Ignition interlock device limited driving permits issued pursuant to this Code section shall be renewable upon payment of a renewal fee of \$5.00. Such permits may be renewed for additional periods of two months and until the person has his or her license reinstated.

(3) Upon payment of a fee in the same amount as that provided by Code Section 40-5-25 for the issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed ignition interlock device limited driving permit previously issued to him or her.

(e) Revocation of ignition interlock device limited driving permit.

(1)(A) Any permittee eligible for an ignition interlock device limited driving permit pursuant to paragraph (1) of subsection (a) of this Code section who is convicted of violating Code Section 40-6-391 shall have his or her permit revoked by the department. Any court in which such conviction is had shall require such permittee to surrender the ignition interlock device limited driving 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.

(B) The department shall revoke the ignition interlock device limited driving permit of any permittee who is required to complete a substance abuse treatment program pursuant to Code Section 40-5-63.1 and enrolled but failed to attend or complete such program as scheduled upon receipt of notice of such information from the Department of Behavioral Health and Developmental Disabilities. The department shall notify the permittee of such revocation by regular mail to his or her last known address. Such notice of revocation shall inform the permittee of the grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.

(C) The department shall revoke the ignition interlock device limited driving permit of a permittee upon receipt of notice from an ignition interlock device service

provider that an ignition interlock device has been tampered with or a permittee has failed to report for monitoring as required by law.

(2) The department shall notify the permittee of such revocation by regular mail to his or her last known address. Such notice of revocation shall inform the permittee of the grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.

(3) Any person whose ignition interlock device limited driving permit has been revoked for the first time shall not be eligible to apply for a driver's license until 12 months from the date such permit was surrendered to the department. Any person whose ignition interlock device limited driving permit has previously been revoked shall not be eligible to apply for a driver's license until two years from the date such permit was surrendered to the department.

(f) **Hearings.** Any person whose ignition interlock device limited driving permit has been revoked or who has been refused such permit by the department may make a request in writing for a hearing to be provided by the department. Such hearing shall be provided by the department within 30 days after the receipt of such request and shall follow the procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Appeal from such hearing shall be in accordance with such chapter.

(g) **Rules and regulations.** The commissioner may promulgate rules and regulations as are necessary to implement this Code section.

(h) **Penalty.** Any permittee who operates a motor vehicle in violation of an ignition interlock device limited driving permit shall be guilty of a misdemeanor.

40-5-64.2.

(a) The commissioner shall submit a report to the Senate Public Safety Committee and the House Committee on Motor Vehicles detailing the annual number of optional ignition interlock device limited driving permits issued under paragraph (1) of subsection (a) of Code Section 40-5-64.1. Such report shall be made no later than the last day of December of each year.

(b) This Code section shall stand repealed on January 1, 2019."

SECTION 1-3.

Said chapter is further amended by revising subsection (b) of Code Section 40-5-67, relating to seizure and disposition of driver's license of persons charged with driving under the influence, as follows:

"(b)(1) At the time the law enforcement officer takes the driver's license, the officer shall issue a temporary driving permit to the person as follows:

(1)(A) If the driver refuses to submit to a test or tests to determine the presence of alcohol or drugs as required in Code Section 40-5-55, the officer shall issue a ~~30~~ 45 day temporary driving permit;

(2)(B) If the driver's license is required to be suspended under Code Section 40-5-67.1, the officer shall issue a ~~30~~ 45 day temporary driving permit; or

~~(3)~~(C) If the test or tests administered pursuant to Code Section 40-5-55 indicate an alcohol concentration in violation of Code Section 40-6-391 but less than the level for an administrative suspension of the license under subsection (c) of Code Section 40-5-67.1, the officer shall issue a 180 day temporary driving permit.

(2) A This temporary driving permit issued under this subsection shall be valid for the stated period or until the person's driving privilege is suspended or revoked under any provision of this title. The department, at its sole discretion, may delay the expiration date of the such temporary driving permit, but in no event shall this delay extend beyond the date when such person's driving privilege is suspended or revoked under any provision of this title. The department shall by rules and regulations establish the conditions under which the expiration of the a temporary driving permit may be delayed."

SECTION 1-4.

Said chapter is further amended in Code Section 40-5-67.1, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspensions and denials, and right to a hearing and review, by revising paragraph (1) of subsection (f) and paragraphs (1), (3), and (4) of subsection (g) as follows:

"(f)(1) The law enforcement officer, acting on behalf of the department, shall personally serve the notice of intention to suspend or disqualify the license of the arrested person or other person refusing such test on such person at the time of the person's refusal to submit to a test or at the time at which such a test indicates that suspension or disqualification is required under this Code section. The law enforcement officer shall take possession of any driver's license or permit held by any person whose license is subject to suspension pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a ~~30~~ 45 day temporary driving permit. The officer shall forward the person's driver's license to the department along with the notice of intent to suspend or disqualify and the report required by subsection (c) or (d) of this Code section within ten calendar days after the date of the arrest of such person. This paragraph shall not apply to any person issued a 180 day temporary driving permit pursuant to subsection (b) of Code Section 40-5-67. The failure of the officer to transmit the report required by this Code section within ten calendar days shall not prevent the department from accepting such report and utilizing it in the suspension of a driver's license as provided in this Code section."

"(g)(1) A person whose driver's license is suspended or who is disqualified from operating a commercial motor vehicle pursuant to this Code section shall remit to the department a \$150.00 filing fee together with a request, in writing, for a hearing within ~~ten business~~ 30 days from the date of personal notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. The issuance of an ignition interlock device limited driving permit to a person eligible for such permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under this subsection. Within 30 days after receiving a written request for a

hearing, the department shall hold a hearing as is provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded."

"(3) The hearing officer shall, within five calendar days after such hearing, forward a decision to the department to rescind or sustain the driver's license suspension or disqualification. If no hearing is requested within the ~~ten business~~ 30 days specified ~~above~~ in paragraph (1) of this subsection, and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the person, the right to a hearing shall have been waived. The issuance of an ignition interlock device limited driving permit to a person eligible for such permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under this subsection. The request for a hearing shall not stay the suspension of the driver's license; provided, however, that if the hearing is timely requested and is not held before the expiration of the temporary permit and the delay is not due in whole or in part to the reasonably avoidable fault of the person, the suspension shall be stayed until such time as the hearing is held and the hearing officer's decision is made.

(4) In the event the person is acquitted of a violation of Code Section 40-6-391 or such charge is initially disposed of other than by a conviction or plea of nolo contendere, then the suspension shall be terminated and deleted from the driver's license record, and if such person had obtained an ignition interlock device limited driving permit under paragraph (1) of subsection (a) of Code Section 40-5-64.1, then the permit shall be revoked and the driver's license shall be reinstated without a fee. An accepted plea of nolo contendere shall be entered on the driver's license record and shall be considered and counted as a conviction for purposes of any future violations of Code Section 40-6-391. In the event of an acquittal or other disposition other than by a conviction or plea of nolo contendere, the driver's license restoration fee shall be promptly returned by the department to the licensee."

SECTION 1-5.

Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as condition of probation, is amended in Code Section 42-8-110, relating to definitions, by revising subsection (b) as follows:

"(b) As used in this article, the term 'provider center' means a facility established for the purpose of providing and installing ignition interlock devices when their use is required by or as a result of an order of a court or as required in order to maintain an ignition interlock device limited driving permit in accordance with Code Section 40-5-64.1."

SECTION 1-6.

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

"42-8-110.1.

(a) Any person arrested for violating Code Section 40-6-391 with no previous conviction of and no previous plea of nolo contendere accepted to a charge of violating such Code section within the previous 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, may apply for an ignition interlock device limited driving permit in accordance with Code Section 40-5-64.1. For purposes of determining previous convictions under this subsection, a person who has been convicted of a crime under the laws of any other state or territory of the United States which, if committed in this state, would be a violation of Code Section 40-6-391 shall be deemed to have a prior conviction.

(b) Issuance of an ignition interlock device limited driving permit in accordance with subparagraph (c)(1)(A) of Code Section 40-5-64.1 shall constitute a waiver of the right to a hearing under subsection (g) of Code Section 40-5-67.1 and shall serve as notice of suspension of a driver's license.

(c) Any person qualified under this Code section to be issued an ignition interlock device limited driving permit shall, upon issuance thereof, have installed and shall maintain in any motor vehicle to be driven by such person for a period of not less than four months a functioning, certified ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period.

(d) The restriction for maintaining and using an ignition interlock device shall be cancelled by the department upon payment to the department of a \$100 fee or \$90 when such fee is processed by mail and upon successful completion of four months of monitoring of an ignition interlock device; provided, however, that the restriction shall remain in effect for 12 months for any person who refused to submit to a test under Code Section 40-5-67.1.

(e) Any ignition interlock device limited driving permit issued shall bear a restriction reflecting that the person shall only operate a motor vehicle equipped with a functional ignition interlock device.

(f) The fee for issuance of an ignition interlock device limited driving permit shall be as prescribed in Code Section 40-5-64.1."

SECTION 1-7.

Said article is further amended in Code Section 42-8-111, relating to court issuance of certificate for installation of ignition interlock devices, exceptions, and fees, by revising subsections (a), (d), and (e) as follows:

"(a) Upon a second or subsequent conviction of a resident of this state for violating 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, for which such person is granted probation, the court shall issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license, subject to the following conditions:

(1) Such person shall have installed and shall maintain in each motor vehicle registered in such person's name for a period of not less than one year a functioning, certified ignition interlock device;

(2) Such person shall have installed and shall maintain in any other motor vehicle to be driven by such person for a period of not less than one year a functioning, certified

ignition interlock device, and such person shall not drive any motor vehicle whatsoever that is not so equipped during such period. Upon successful completion of one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of two months as provided in ~~paragraph (1) of~~ subsection (e) (d) of Code Section ~~40-5-64~~ 40-5-64.1; and

(3) Such person shall participate in a substance abuse treatment program as defined in paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with Code Section 15-1-15 for a period of not less than 120 days.

For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a conviction of any offense under the ~~law of another~~ laws of any other state or territory substantially conforming to any offense under of the United States which, if committed in this state, would be a violation of Code Section 40-6-391 shall be deemed a conviction of violating said such Code section."

"(d) Except as provided in Code ~~Section~~ Sections 42-8-110.1 and 42-8-112, no provision of this article shall be deemed to reduce any period of driver's license suspension or revocation otherwise imposed by law.

(e) The fee for issuance of any driver's license indicating that use of an ignition interlock device is required shall be as prescribed for a regular driver's license in Code Section 40-5-25, and the fee for issuance of any limited driving permit indicating that use of an ignition interlock device is required shall be as prescribed ~~for a limited driving permit~~ in Code Section ~~40-5-64~~ 40-5-64.1; except that, for habitual violators required to use an ignition interlock device as a condition of a probationary license, the fee shall be as prescribed for a probationary license in Code Section 40-5-58."

SECTION 1-8.

Said article is further amended in Code Section 42-8-112, relating to timing for issuance of ignition interlock device limited driving permit and documentation and reporting requirements, by revising paragraph (1) of subsection (d) as follows:

"(d)(1) If a person required to report to an ignition interlock provider as required by subsection (c) of this Code section fails to report to the provider as required or receives an unsatisfactory report from the provider at any time during the ~~one year~~ permit period, the Department of Driver Services shall revoke such person's ignition interlock device limited driving permit immediately upon notification from the provider of the failure to report or failure to receive a satisfactory report. Except as provided in paragraph (2) of this subsection, within 30 days after such revocation, the person may make a written request for a hearing and remit to the Department of Driver Services a payment of \$250.00 for the cost of the hearing. Within 30 days after receiving a written request for a hearing and a payment of \$250.00, the Department of Driver Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded."

PART II
SECTION 2-1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-22, relating to minimum ages for licenses and limited driving permits, by revising subsection (d) as follows:

"(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~~ and paragraph (1) of subsection (a) of Code Section 40-5-64.1."

SECTION 2-2.

Said chapter is further amended in Code Section 40-5-39, relating to endorsements on licenses of limousine chauffeurs, by revising paragraph (2) of subsection (b) as follows:

"(2) Possess a valid Georgia driver's license which is not limited as defined in Code Section 40-5-64 or 40-5-64.1;"

SECTION 2-3.

Said chapter is further amended in Code Section 40-5-63, relating to periods of suspension and conditions for return of a license, by revising paragraph (2) of subsection (a) as follows:

"(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 three years. At the end of 120 days, the person may apply to the department for reinstatement of his or her driver's license; except that if such license was suspended as a result of a second conviction of a violation of Code Section 40-6-391 within five years, the person shall not be eligible to apply for license reinstatement until the end of 18 months. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving course approved by the commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction 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, provides proof of installation and maintenance of an ignition interlock device for a period of one year coinciding with the issuance of an ignition interlock device limited driving permit as

provided in Code Section ~~40-5-64~~ 40-5-64.1 unless waived due to financial hardship, and pays the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere 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 plea of nolo contendere is accepted, shall be considered and counted as convictions; or"

SECTION 2-4.

Said chapter is further amended in Code Section 40-5-66, relating to appeals from decisions of the department, by revising subsection (a) as follows:

"(a) Except as provided in subsection (h) of Code Section 40-5-67.1, ~~and~~ subsection (h) of Code Section 40-5-64, and subsection (f) of Code Section 40-5-64.1, any decision rendered by the department shall be final unless the aggrieved person shall desire an appeal. In such case, such person shall have the right to enter an appeal in the superior court of the county of his residence or in the Superior Court of Fulton County. Such appeal shall name the commissioner as defendant and must be filed within 30 days from the date the department enters its decision or order. The person filing the appeal shall not be required to post any bond nor to pay the costs in advance."

SECTION 2-5.

Said chapter is further amended in Code Section 40-5-67.2, relating to terms and conditions for suspension of license under subsection (c) of Code Section 40-5-67.1, by revising subsection (d) as follows:

"(d) Any other provision of law to the contrary notwithstanding, a driver with no previous conviction for a violation of Code Section 40-6-391 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, during the period of administrative suspension contemplated under this chapter, shall be entitled to a limited driving permit or an ignition interlock device limited driving permit as provided in Code ~~Section~~ Sections 40-5-64 and 40-5-64.1."

SECTION 2-6.

Said chapter is further amended in Code Section 40-5-76, relating to judicial restoration of a driver's license or issuance of a limited driving permit, by revising subsection (a) as follows:

"(a) A judge presiding in a drug court division, mental health court division, or veterans court division may order the department to restore a defendant's driver's license that has been or should be suspended pursuant to Code Section 40-5-75, suspend such license, issue a defendant an ignition interlock device limited driving

permit in accordance with Code Section 40-5-64.1, or issue a defendant a limited driving permit in accordance with the provisions set forth in subsections (c) and (d) of Code Section 40-5-64 or with whatever conditions the court determines to be appropriate under the circumstances as a reward or sanction to the defendant's behavior in such court division. The court shall determine what fees, if any, shall be paid to the department for such reward or sanction, provided that such fee shall not be greater than the fee normally imposed for such services."

PART III
SECTION 3-1.

This Act shall become effective on January 1, 2017.

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| N Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | N Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | Y Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | N Pezold | Y Tankersley |
| Y Beskin | Y Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Duker | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | N Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Y Broadrick | Y Duncan | Y Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efration | Y Jordan | Y Pruet | Y Thomas, A.M. |
| E Bryant | Y Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | Y Waites |
| Y Caldwell, M | Y Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Y Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccia | Y Rhodes | Y Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |

| | | | | |
|-------------|------------|-----------|-------------|------------------|
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Y Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Y Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 169, nays 4.

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

HB 919. By Representatives Duncan of the 26th, Shaw of the 176th, Houston of the 170th, Cheokas of the 138th, Greene of the 151st and others:

A BILL to be entitled an Act to amend Titles 31 and 48 of the Official Code of Georgia Annotated, relating to health and revenue and taxation, respectively, so as to approve rural health care organizations which provide health care services to underserved areas in this state; to provide for definitions; to provide for tax credits for contributions to rural health care organizations; to provide for the amount, nature, limits, and procedures for such tax credits; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 31 and 48 of the Official Code of Georgia Annotated, relating to health and revenue and taxation, respectively, so as to approve rural health care organizations which provide health care services to underserved areas in this state; to provide for definitions; to provide for tax credits for contributions to rural health care organizations; to provide for the amount, nature, limits, and procedures for such tax credits; to provide for related matters; to provide for automatic repeal; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding a new Code section to Article 1 of Chapter 8, relating to hospital care for the indigent generally, to read as follows:

"31-8-9.1.

(a) As used in this Code section, the term 'rural health care organization' means an organization that:

(1) Is located in a rural county;

(2) Participates in both Medicaid and medicare and accepts both Medicaid and medicare patients;

(3) Provides health care services to indigent patients;

(4) Receives at least 10 percent of its net revenue from uncompensated care;

(5) Is a not for profit organization;

(6) Has a local board of directors;

(7) Is current with all audits and reports required by law; and

(8) Annually files IRS Form 990, Return of Organization Exempt From Income Tax, with the Department of Public Health; or

(9) Is a critical access hospital as defined in paragraph (3) of Code Section 33-21A-2 that annually files IRS Form 990, Return of Organization Exempt From Income Tax, with the Department of Public Health.

(b) The Department of Public Health shall approve and maintain a list of rural health care organizations eligible to receive contributions from the tax credit provided pursuant to Code Section 48-7-29.20 and may adopt regulations as necessary to implement the provisions of this Code section."

SECTION 2.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by adding a new Code section to Article 2 of Chapter 7, relating to imposition, rate, and computation of income taxes and exemptions, to read as follows:

"48-7-29.20.

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

(1) 'Qualified rural health care organization expense' means the contribution of funds by an individual or corporate taxpayer during the tax year for which a credit under this Code section is claimed to a rural health care organization for the benefit of such organization.

(2) 'Rural health care organization' means an organization that is approved by the Department of Public Health pursuant to Code Section 31-8-9.1.

(b) An individual taxpayer shall be allowed a credit against the tax imposed by this chapter for contributions in support of a rural health care organization as follows:

(1) In the case of a single individual or a head of household, 80 percent of the actual amount expended or \$2,500.00 per tax year, whichever is less; or

(2) In the case of a married couple filing a joint return, 80 percent of the actual amount expended or \$5,000.00 per tax year, whichever is less.

(c) A corporation or other entity shall be allowed a credit against the tax imposed by this chapter for qualified rural health care organization expenses in an amount not to exceed 80 percent of the actual amount expended or 75 percent of the corporation's income tax liability, whichever is less.

(d) In no event shall the total amount of the tax credit under this Code section for a taxable year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the taxpayer against the succeeding five years' tax liability. No such credit shall be allowed the taxpayer against prior years' tax liability.

(e)(1) In no event shall the aggregate amount of tax credits allowed under this Code section exceed \$250 million per tax year.

(2) The commissioner shall allow the tax credits on a first come, first served basis.

(3) For the purposes of paragraph (1) of this subsection, a rural health care organization shall notify a potential donor of the requirements of this Code section. Before making a contribution to a rural health care organization, the taxpayer shall electronically notify the department, in a manner specified by the department, of the total amount of contributions that the taxpayer intends to make to the rural health care organization. The commissioner shall preapprove or deny the requested amount within 30 days after receiving the request from the taxpayer and shall provide written notice to the taxpayer and the rural health care organization of such preapproval or denial which shall not require any signed release or notarized approval by the taxpayer. In order to receive a tax credit under this Code section, the taxpayer shall make the contribution to the rural health care organization within 60 days after receiving notice from the department that the requested amount was preapproved. If the taxpayer does not comply with this paragraph, the commissioner shall not include this preapproved contribution amount when calculating the limit prescribed in paragraph (1) of this subsection. The department shall establish a web based donation approval process to implement this subsection.

(4) Preapproval of contributions by the commissioner shall be based solely on the availability of tax credits subject to the aggregate total limit established under paragraph (1) of this subsection. The department shall maintain an ongoing, current list on its website of the amount of tax credits available under this Code section.

(5) Notwithstanding any laws to the contrary, the department shall not take any adverse action against donors to rural health care organizations if the commissioner preapproved a donation for a tax credit prior to the date the rural health care organization is removed from the Department of Public Health list pursuant to Code Section 31-8-9.1, and all such donations shall remain as preapproved tax credits subject only to the donor's compliance with paragraph (3) of this subsection.

(f) In order for the taxpayer to claim the tax credit under this Code section, a letter of confirmation of donation issued by the rural health care organization to which the contribution was made shall be attached to the taxpayer's tax return. However, in the event the taxpayer files an electronic return, such confirmation shall only be required to be electronically attached to the return if the Internal Revenue Service allows such attachments when the return is transmitted to the department. In the event the taxpayer

files an electronic return and such confirmation is not attached because the Internal Revenue Service does not, at the time of such electronic filing, allow electronic attachments to the Georgia return, such confirmation shall be maintained by the taxpayer and made available upon request by the commissioner. The letter of confirmation of donation shall contain the taxpayer's name, address, tax identification number, the amount of the contribution, the date of the contribution, and the amount of the credit.

(g) No credit shall be allowed under this Code section with respect to any amount deducted from taxable net income by the taxpayer as a charitable contribution to a bona fide charitable organization qualified under Section 501(c)(3) of the Internal Revenue Code.

(h) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section.

(i) This Code section shall stand automatically repealed on December 31, 2020."

SECTION 3.

This Act shall be applicable to all taxable years beginning on or after January 1, 2017.

SECTION 4.

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

The following amendment was read:

Representatives Duncan of the 26th and Powell of the 171st offer the following amendment:

Amend the substitute to HB 919 (LC 34 4878S) by deleting "\$250" on line 59 and inserting "\$100" in lieu thereof.

Pursuant to Rule 133, Representative Spencer of the 180th was excused from voting on HB 919.

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

| | | | | |
|------------------|-------------------|-------------|------------|---------------|
| N Abrams | Y Cooke | Y Harden | N Metze | N Smith, E |
| N Alexander | Y Coomer | Y Harrell | N Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | N Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | N Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | N Henson | Y Nimmer | N Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Spencer |
| Y Battles | Y Dempsey | Y Hitchens | N Oliver | N Stephens, M |
| N Beasley-Teague | N Dickerson | N Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | N Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | N Stovall |

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

On the adoption of the amendment, the ayes were 114, nays 52.

The amendment was adopted.

House of Representatives
Coverdell Legislative Office Building
Room 607-C
Atlanta, Georgia 30334

February 25, 2016

I, Representative Patty Bentley, voted in error yes to the amendment of HB 919. My intent was to vote no for the amendment and yes for the actual BILL.

/s/ Patty Bentley

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:

| | | | | |
|------------------|-------------------|---------------|-----------------|------------------|
| N Abrams | Y Cooke | Y Harden | N Metze | N Smith, E |
| N Alexander | Y Coomer | Y Harrell | N Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | N Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | N Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Spencer |
| Y Battles | Y Dempsey | Y Hitchens | N Oliver | N Stephens, M |
| N Beasley-Teague | N Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | N Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | Y Stovall |
| Y Bennett, T | Y Dollar | N Howard | Y Peake | Y Stover |
| Y Bentley | N Douglas | N Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | Y Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Broadrick | Y Duncan | E Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efrstration | N Jordan | Y Pruettt | Thomas, A.M. |
| E Bryant | Ehrhart | N Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | N Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | N Waites |
| Y Caldwell, M | Y Fleming | Y Kirby | Y Randall | Y Watson |
| N Cannon | Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccica | Y Rhodes | Y Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | N Wilkerson |
| Y Carter, D | N Gardner | N Mabra | Y Rogers, T | Y Wilkinson |
| Y Casas | Y Gasaway | N Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | N Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | N Scott | Y Williams, C |
| Y Clark, D | Y Golick | N Mayo | Y Setzler | N Williams, E |
| Y Clark, H | N Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | N McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | Ralston, Speaker |

On the passage of the Bill, by substitute, as amended, the ayes were 137, nays 30.

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

HB 802. By Representatives Teasley of the 37th, Tankersley of the 160th, Williams of the 119th, Ehrhart of the 36th, Tanner of the 9th and others:

A BILL to be entitled an Act to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, so as to revise the deduction from income for contributions to savings trust

accounts established pursuant to Article 11 of Chapter 3 of Title 20; to provide for related matters; to provide for an effective date and applicability; 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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | Y Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | E Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Broadrick | Y Duncan | E Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efstration | Y Jordan | Y Pruett | Y Thomas, A.M. |
| E Bryant | Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Ramsey | Y Waites |
| Y Caldwell, M | Y Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRicca | Y Rhodes | Y Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Y Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | Ralston, Speaker |

On the passage of the Bill, the ayes were 165, nays 0.

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

HB 939. By Representatives Price of the 48th, Fleming of the 121st, Tankersley of the 160th, Brockway of the 102nd, Willard of the 51st 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, so as to revise terms; to revise the procedures for the transfer of setoffs by the Administrative Office of the Courts to the court to whom the debt is owed; to correct references; 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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Y Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickson | Y Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dollar | Y Houston | Y Parsons | Y Stovall |
| Y Bennett, T | Y Douglas | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Drenner | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | E Dudgeon | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | Y Dukes | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dunahoo | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Duncan | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Broadrick | Y Ealum | E Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealun | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efrstration | Y Jordan | Y Pruett | Y Thomas, A.M. |
| E Bryant | Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | Y Waites |
| Y Caldwell, M | Y Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccia | Y Rhodes | Y Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Y Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Y Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | Ralston, Speaker |

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

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

HB 911. By Representatives Duncan of the 26th, Watson of the 172nd, Harrell of the 106th, Buckner of the 137th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use tax, so as to provide for administration by the Department of Revenue of the exemption for agricultural machinery and equipment; to provide for a change to the qualifying amounts for the agricultural exemption; to provide for the separation of qualifying items at the point of sale; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use tax, so as to provide for cooperation by the Department of Revenue and the Department of Agriculture in the administration and enforcement of the state sales tax exemption for agricultural machinery and equipment; to provide for a change to the qualifying amounts for the agricultural exemption; to provide for the separation of qualifying items at the point of sale; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use tax, is amended by revising paragraph (5) of subsection (a) and subsections (c) through (f) of Code Section 48-8-3.3, relating to the sales and use tax exemption for agricultural machinery and equipment, as follows:

"(5) 'Qualified agricultural producer' includes producers of agricultural products who meet one of the following criteria:

(A) The person or entity is the owner or lessee of agricultural land or other real property from which ~~\$2,500.00~~ \$10,000.00 or more of agricultural products in aggregate were produced and sold during the year, including payments from government sources;

(B) The person or entity is in the business of performing agricultural operations and has provided ~~\$2,500.00~~ \$10,000.00 of such services during the year;

(C) The person or entity is in the business of producing long-term agricultural products from which there might not be annual income, including, but not limited to, timber, pulpwood, orchard crops, pecans, livestock, and horticultural or other multiyear agricultural or farm products. Applicants must demonstrate that sufficient volumes of such long-term agricultural products will be produced which have the capacity to generate in aggregate at least ~~\$2,500.00~~ \$10,000.00 in annualized sales ~~annually~~ in the future; or

(D) The person or entity must establish, to the satisfaction of the Commissioner of Agriculture, that the person or entity is actively engaged in the production of agricultural products and has or will have created sufficient volumes to generate in aggregate at least ~~\$2,500.00~~ \$10,000.00 in sales annually."

"(c) The Commissioner of Agriculture shall require applicants to acknowledge and produce, upon request, at least one of the following forms to determine eligibility under this Code section:

- (1) Business activity on IRS schedule F (Profit or Loss from Farming);
- (2) Farm rental activity on IRS form 4835 (Farm Rental Income and Expenses) or schedule E (Supplemental Income and Loss);
- (3) IRS Form 4797;
- (4) IRS Form 1065; or
- (5) IRS Form 1120 or 1120(s).

(d)(1) Qualified agricultural producers that meet the criteria provided for in paragraph (5) of subsection (a) of this Code section must apply to the Commissioner of Agriculture to request an agricultural sales and use tax exemption certificate that contains an exemption number. Upon request, the qualified agricultural producer shall also produce the form or forms requested by the Commissioner of Agriculture under subsection (c) of this Code section to the commissioner.

(2) The Commissioner of Agriculture shall not issue or renew an agricultural sales and use tax exemption until the agricultural producer requesting such certificate has provided the Commissioner of Agriculture with a valid state taxpayer identification number obtained through the Department of Revenue's Georgia Tax Center.

(3) Any agricultural sales and use tax exemption certificate issued or renewed on or after July 1, 2016, shall be valid for three years. In order to have staggered renewal dates for such three-year certificates, the Commissioner of Agriculture shall, by rules and regulations, establish a schedule for the orderly renewal of existing certificates and shall prorate the application or renewal fee specified in paragraph (3) of subsection (e) of this Code section for the initial period, if less than three years, so renewed.

(4) To facilitate the use of the exemption certificate, a wallet-sized card containing ~~that same~~ the information required by paragraphs (1) and (2) of this subsection shall also be issued by the Commissioner of Agriculture.

~~(e)(1) The Commissioner of Agriculture is and the commissioner are authorized to promulgate cooperate in the promulgation of rules and regulations governing the issuance of agricultural exemption certificates and the administration and enforcement of this Code section. The rules and regulations shall contain a provision requiring the seller of products to separately identify on an invoice, receipt, or other proof of purchase those items exempt from taxation under this Code section from those items subject to taxation. At the time of the sale of items for which an exemption is claimed, the seller shall record the purchaser's tax exemption certificate number and his or her name, and such information shall be retained with the details of the sale.~~

~~(2) The seller shall, on the Department of Agriculture's website, verify the continuing validity of the qualified agricultural producer's tax exemption certificate number the first time it is used in a calendar year. If an attempt is made to use an invalid tax exemption certificate, the seller shall notify the Commissioner of Agriculture who, after verifying that the tax exemption certificate is invalid and subject to notice and a hearing in accordance with Chapter 13 of Title 50, shall revoke the certificate. Any agricultural producer who has had his or her certificate revoked pursuant to this paragraph shall not be issued a new certificate until the expiration of three years from the date of such revocation.~~

~~(3) The Commissioner of Agriculture is authorized to establish an oversight board and direct staff and is authorized to charge annual fees a fee of not less than \$15.00 nor more than \$25.00 \$150.00 per year in accordance with Code Section 2-1-5, but in no event shall the total amount of the proceeds from such fees exceed the cost of administering this Code section three-year issuance or renewal.~~

~~(f)(1) The commissioner is authorized to promulgate rules and regulations as necessary to facilitate compliance with and the administration of the provisions of this Code section. The department, in conjunction with the Department of Agriculture, is authorized to conduct audits, as necessary, to monitor compliance with the provisions of this Code section.~~

~~(2) The department and the Department of Agriculture shall, and are hereby authorized to, share information that is necessary to efficiently administer and enforce the provisions of this Code section. Any information shared for these purposes shall be considered confidential and privileged information, and furnishing information as permitted by this Code section shall not be deemed to change the confidential character of the information furnished. Any person who divulges any confidential information obtained under this Code section shall be subject to the same civil and criminal penalties as provided for divulgence of confidential information by members of the department."~~

SECTION 2.

This Act shall become effective on January 1, 2017.

SECTION 3.

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

The following amendment was read and adopted:

Representatives Duncan of the 26th and Powell of the 171st offer the following amendment:

Amend the substitute to HB 911 (LC 34 4877S) by deleting "\$10,000.00" on lines 17, 21, 27, and 32 and inserting in lieu thereof "\$7,500.00".

By adding after "year." on line 72 the following:

If the seller does not have Internet access, he or she shall verify the validity of the tax exemption certificate number using a toll-free telephone number established by the Commissioner of Agriculture for such purpose.

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 Cooke | Y Harden | Y Metze | Y Smith, E |
| Y Alexander | Y Coomer | Y Harrell | Y Mitchell | Smith, L |
| Y Allison | Y Cooper | Y Hatchett | Y Morris | Y Smith, M |
| Y Atwood | Y Corbett | Y Hawkins | Y Mosby | Y Smith, R |
| Y Ballinger | E Dawkins-Haigler | Y Henson | Y Nimmer | Y Smyre |
| Y Barr | Y Deffenbaugh | Y Hightower | Y Nix | Y Spencer |
| Y Battles | Y Dempsey | Y Hitchens | Y Oliver | Y Stephens, M |
| Y Beasley-Teague | Y Dickerson | Y Holcomb | Y Pak | Y Stephens, R |
| Y Belton | Y Dickey | Holmes | Y Parrish | Y Stephenson |
| E Bennett, K | Y Dickson | Y Houston | Y Parsons | Y Stovall |
| Y Bennett, T | Y Dollar | Y Howard | Y Peake | Y Stover |
| Y Bentley | Y Douglas | Y Hugley | Y Petrea | Y Strickland |
| Y Benton | Y Drenner | Y Jackson | Y Pezold | Y Tankersley |
| Y Beskin | E Dudgeon | Y Jasperse | Y Pirkle | Y Tanner |
| Y Beverly | Y Dukes | Y Jones, J | Y Powell, A | Y Tarvin |
| Y Blackmon | Y Dunahoo | Y Jones, J.B. | Y Powell, J | Y Taylor, D |
| Broadrick | Y Duncan | E Jones, L | Y Price | Y Taylor, T |
| Y Brockway | Y Ealum | Y Jones, S | Y Prince | Y Teasley |
| Y Bruce | E Efrstration | Y Jordan | Y Pruett | Y Thomas, A.M. |
| E Bryant | Ehrhart | Y Kaiser | Y Quick | Y Thomas, E |
| Y Buckner | Y England | Y Kelley | Y Raffensperger | Y Trammell |
| Y Burns | Y Epps | Y Kendrick | Y Rakestraw | Y Turner |
| Y Caldwell, J | Y Evans | Y Kidd | Y Ramsey | Y Waites |
| Y Caldwell, M | Fleming | Y Kirby | Y Randall | Y Watson |
| Y Cannon | Floyd | Y Knight | Y Reeves | Y Welch |
| Y Cantrell | Y Fludd | Y LaRiccia | Y Rhodes | Y Weldon |
| Y Carson | Y Frazier | Y Lott | Y Rice | Y Werkheiser |
| E Carter, A | Y Frye | Y Lumsden | Y Rogers, C | Y Wilkerson |
| Y Carter, D | Y Gardner | Y Mabra | Y Rogers, T | Y Wilkinson |

| | | | | |
|------------|------------|-----------|------------|------------------|
| Y Casas | Y Gasaway | Y Marin | Y Rutledge | Y Willard |
| Y Chandler | Y Gilligan | Y Martin | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Maxwell | Y Scott | Y Williams, C |
| Y Clark, D | Y Golick | Y Mayo | Y Setzler | Y Williams, E |
| Y Clark, H | Y Gordon | Y McCall | Y Sharper | Y Williamson |
| Y Clark, V | Y Gravley | Y McClain | Y Shaw | Y Yates |
| Y Coleman | Y Greene | Y Meadows | E Sims | Ralston, Speaker |

On the passage of the Bill, by substitute, as amended, the ayes were 165, nays 0.

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

The following Resolutions of the House were read and adopted:

HR 1529. By Representative Dollar of the 45th:

A RESOLUTION commending and congratulating Grant Anderson; and for other purposes.

HR 1530. By Representatives Gilligan of the 24th, Duncan of the 26th, Cantrell of the 22nd, Dudgeon of the 25th and Tanner of the 9th:

A RESOLUTION recognizing and commending Hannah Testa upon being honored with a 2016 Prudential Spirit of Community Award; and for other purposes.

HR 1531. By Representatives Smith of the 134th, Parrish of the 158th, Stephens of the 164th, Duncan of the 26th, Epps of the 144th and others:

A RESOLUTION recognizing February 26, 2016, as "Community Health Centers Day" and commending the Georgia Association for Primary Health Care; and for other purposes.

HR 1532. By Representatives Burns of the 159th, Tankersley of the 160th, Parrish of the 158th and Ramsey of the 72nd:

A RESOLUTION recognizing and commending the Georgia Southern University Eagles; and for other purposes.

HR 1533. By Representatives Thomas of the 39th, Bentley of the 139th, Smith of the 41st, Jones of the 53rd, Kendrick of the 93rd and others:

A RESOLUTION recognizing Ms. Frances Oneymaechi Udukwu, the reigning Miss Africa USA; and for other purposes

HR 1534. By Representatives Dunahoo of the 30th, Nix of the 69th, Caldwell of the 131st, Battles of the 15th, Chandler of the 105th and others:

A RESOLUTION recognizing March 8, 2016, as Children's Day at the state capitol; and for other purposes.

HR 1535. By Representatives Scott of the 76th, Waites of the 60th, Jordan of the 77th, Glanton of the 75th, Douglas of the 78th and others:

A RESOLUTION recognizing and commending Yulonda Darden Beauford; and for other purposes.

HR 1536. By Representative Parsons of the 44th:

A RESOLUTION commending Georgia linemen and recognizing April as Georgia Lineman Appreciation Day at the state capitol; and for other purposes.

HR 1537. By Representatives Tankersley of the 160th, Burns of the 159th and Parrish of the 158th:

A RESOLUTION recognizing and commending the Waters family, Bulloch County's 2015 Conservationist of the Year; and for other purposes.

HR 1538. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION congratulating the Commerce High School wrestling team on winning their third consecutive Class A Traditional State title; and for other purposes.

HR 1539. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION congratulating the Jefferson High School wrestling team on winning the Class AAA state traditional wrestling championship; and for other purposes.

HR 1540. By Representatives Spencer of the 180th and Corbett of the 174th:

A RESOLUTION recognizing Gabe Smith, Domonique Hargrave, Antonio Stewart, Bunmi Smith, and Raydan Wilder; and for other purposes.

Representative Parsons of the 44th District, Chairman of the Committee on Energy, Utilities, and Telecommunications, submitted the following report:

Mr. Speaker:

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

HB 1036 Do Pass, by Substitute

Respectfully submitted,
/s/ Parsons of the 44th
Chairman

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

Mr. Speaker:

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

HB 915 Do Pass, by Substitute

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

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

Mr. Speaker:

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

| | | | |
|---------|------------------------|---------|------------------------|
| HB 685 | Do Pass, by Substitute | HB 914 | Do Pass |
| HB 920 | Do Pass, by Substitute | HB 957 | Do Pass, by Substitute |
| HB 1004 | Do Pass, by Substitute | HB 1017 | Do Pass |
| HB 1041 | Do Pass | HB 1052 | Do Pass, by Substitute |
| HB 1070 | Do Pass | | |

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

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

Mr. Speaker:

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

HB 677 Do Pass, by Substitute
HR 807 Do Pass, by Substitute

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

Representative Epps of the 144th District, Chairman of the Special Committee on Small Business Development and Job Creation, submitted the following report:

Mr. Speaker:

Your Special Committee on Small Business Development and Job Creation has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 952 Do Pass, by Substitute

Respectfully submitted,
/s/ Epps of the 144th
Chairman

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

Mr. Speaker:

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

HB 924 Do Pass, by Substitute

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

Representative Burns of the 159th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 9:30 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 9:30 o'clock, tomorrow morning.