

Representative Hall, Atlanta, Georgia**Friday, March 11, 2016****Thirty-Fifth Legislative Day**

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

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

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

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

Representatives Fludd of the 64th, Kirby of the 114th, Thomas of the 56th, Welch of the 110th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Reverend Brendolyn Jenkins Boseman, Hudson Memorial CME Church, Augusta, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

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

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

HB 1137. By Representatives Cooke of the 18th and Kelley of the 16th:

A BILL to be entitled an Act to amend an Act consolidating the offices of Tax Receiver and Tax Collector of Haralson County into the office of Tax Commissioner of Haralson County, approved March 21, 1958 (Ga. L. 1958, p. 2917), as amended, so as to modify the compensation of the tax commissioner; to provide that all fees, commissions, costs, and perquisites collected by the tax commissioner shall be the property of Haralson County; to modify the appointment and compensation of deputies and clerical staff; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1138. By Representatives Cooke of the 18th and Kelley of the 16th:

A BILL to be entitled an Act to provide a homestead exemption from Haralson County ad valorem taxes for county purposes in the amount of \$4,000.00 of the assessed value of the homestead for residents of that county who are 65 years of age or older and whose income, together with the income of the spouse of such resident who resides within such homestead and excluding certain retirement income, does not exceed \$10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1139. By Representatives Jasperse of the 11th and Meadows of the 5th:

A BILL to be entitled an Act to amend an Act to repeal and replace the Charter of the City of Fairmount, approved April 17, 1975 (Ga. L. 1975, p. 3136), as amended, so as to change the corporate limits of the city by annexing certain territory to the city; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1140. By Representatives Mitchell of the 88th, Bennett of the 80th, Oliver of the 82nd, Kendrick of the 93rd, Dawkins-Haigler of the 91st and others:

A BILL to be entitled an Act to amend an Act providing a homestead exemption from certain DeKalb County School District ad valorem taxes for educational purposes on the full value of the homestead after a five-year phase in period for certain residents of that school district who are 70 years of age or over and who have annual incomes not exceeding \$50,000.00, approved May 4, 1992 (Ga. L. 1992, p. 6845), as amended, so as to modify said homestead exemption provisions so as to eliminate the income ceiling of \$50,000.00 per annum; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1654. By Representative Cheokas of the 138th:

A RESOLUTION creating the House Study Committee on Coordinating Federal Funding to Empower the Georgia Workforce; and for other purposes.

Referred to the Committee on Special Rules.

HR 1655. By Representatives Williams of the 168th and Stephens of the 164th:

A RESOLUTION recognizing McLarry's and dedicating a road in the establishment's honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1680. By Representatives Carter of the 175th, Rogers of the 29th, Battles of the 15th, Corbett of the 174th, Watson of the 172nd and others:

A RESOLUTION honoring the life of Mr. James Slaton "Jay" Shaw and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1682. By Representatives Coomer of the 14th, Ralston of the 7th, Abrams of the 89th, Stephens of the 164th, Williams of the 168th and others:

A RESOLUTION honoring the life of Mr. Bob Bryant and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 1129	HB 1130
HB 1131	HB 1132
HB 1133	HB 1134
HB 1135	HB 1136
HR 1608	HR 1609
HR 1610	HR 1611
HR 1612	SB 425

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

HR 1382	Do Pass	SB 114	Do Pass, by Substitute
SB 230	Do Pass	SB 271	Do Pass
SB 314	Do Pass, by Substitute	SB 337	Do Pass, by Substitute

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

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

Mr. Speaker:

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

HB 1106	Do Pass	HB 1117	Do Pass
HB 1118	Do Pass	HB 1119	Do Pass
HB 1120	Do Pass	HB 1121	Do Pass
HB 1122	Do Pass	HB 1123	Do Pass
HB 1124	Do Pass	HB 1125	Do Pass
HB 1126	Do Pass	HB 1127	Do Pass
HB 1128	Do Pass	SB 419	Do Pass

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

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

HOUSE RULES CALENDAR
FRIDAY, MARCH 11, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 35th Legislative Day as enumerated below:

DEBATE CALENDAR

Modified Open Rule

- SB 273 Clinical Laboratories; provide certain nondiagnostic laboratories not subject to state licensure as clinical laboratory (H&HS-Lott-122nd) Burke-11th
- SB 277 "Protecting Georgia Small Business Act"; neither a franchisee/franchisee's employee shall be deemed employee of franchisor (I&L) Albers-56th
- SB 279 Georgia Peace Officer Standards and Training Council; include Commissioners of Juvenile Justice/Natural Resources as voting members (PS&HS-Powell-32nd) Harper-7th
- SB 347 'Georgia Captive Insurance Company Act'; provide extensive changes; provisions (Substitute)(Ins-Shaw-176th) Bethel-54th

Modified Structured Rule

- SB 137 Property Insurance; expand the ownership restriction; value of the property covered against loss by fire (Ins-Shaw-176th) Harbin-16th

Structured Rule

**Pursuant to House Rule 33.3, debate shall be limited to one hour on SB 308.
Time to be allocated at the discretion of the Speaker.**

- SB 308 Positive Alternatives for Pregnancy and Parenting Grant Program; establish; definitions; administration and duties (Substitute)(H&HS-Cooper-43rd) Unterman-45th

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

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

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

HB 1106. By Representatives Clark of the 98th, Coleman of the 97th and Brockway of the 102nd:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Sugar Hill, approved May 14, 2003 (Ga. L. 2003, p. 3546), so as to change provisions relating to municipal property ownership; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1117. By Representatives Quick of the 117th, Williams of the 119th and Frye of the 118th:

A BILL to be entitled an Act to amend an Act creating the Downtown Athens Development Authority, approved March 23, 1977 (Ga. L. 1977, p. 3533), as amended, which authority was created pursuant to an amendment to the Constitution as contained in Ga. L. 1975, p. 1698, and amended by Ga. L. 1976, p. 1912; to define and create the Downtown Athens Area; to provide for other matters relative to the foregoing; to provide effective dates; to repeal conflicting laws; and for other purposes.

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

HB 1118. By Representative Jackson of the 128th:

A BILL to be entitled an Act to provide for the filling of vacancies on the Washington County Hospital Authority; to provide for the filling of vacancies; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1119. By Representatives Petrea of the 166th, Stephens of the 164th, Hitchens of the 161st, Stephens of the 165th and Gordon of the 163rd:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Chatham County; to provide that the person currently serving as elected county surveyor shall serve the remainder of his or her term; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1120. By Representative Burns of the 159th:

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

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

HB 1121. By Representatives Pezold of the 133rd and Buckner of the 137th:

A BILL to be entitled an Act to amend an Act to provide for a new charter for the City of Hamilton, approved April 10, 2014 (Ga. L. 2014, p. 4118), so as to change provisions related to residing or being a resident of the city to being domiciled in such city; to provide that the failure of the mayor to regularly attend city council meetings shall be considered forfeiture of office; to eliminate the position of the city manager; to transfer certain duties from the city manager to the mayor; to fix a cross-reference; to repeal conflicting laws; and for other purposes.

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

HB 1122. By Representative Rhodes of the 120th:

A BILL to be entitled an Act to create a board of elections and registration for Oglethorpe County; to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members and an elections supervisor; to provide for the qualifications, terms, and removal of members; to provide for vacancies; to provide for oaths and privileges; to provide for the conduct of primaries and elections; to provide for meetings; to authorize the conduct of municipal elections; to allow for joint primaries; to authorize expenditure of public funds; to provide compensation for board members; to provide for offices, supplies, and other materials; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1123. By Representatives Blackmon of the 146th, Clark of the 147th, Harden of the 148th, Epps of the 144th and Dickey of the 140th:

A BILL to be entitled an Act to amend an Act authorizing the governing authority of the City of Warner Robins to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A., approved May 11, 2009 (Ga. L. 2009, p. 3981), as amended, particularly by an Act approved May 12, 2015 (Ga. L. 2015, p. 4161), so as to identify the projects or tourism product development purposes and specify the allocation of proceeds of the excise tax; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1124. By Representative Pirkle of the 155th:

A BILL to be entitled an Act to reconstitute the Ocilla-Irwin County Industrial Development Authority; to provide for powers, authority, funds, purposes, and procedures connected therewith; to repeal the amendment to the Constitution of Georgia creating the previous Ocilla-Irwin County Industrial Development Authority; to provide for a referendum with respect to the effectiveness of the foregoing; to provide for contingent effective dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1125. By Representatives Morris of the 156th and Nimmer of the 178th:

A BILL to be entitled an Act to provide a new charter for the City of Surrency, formerly the Town of Surrency; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 1126. By Representative Morris of the 156th:

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

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

HB 1127. By Representative Morris of the 156th:

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

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

HB 1128. By Representative Cheokas of the 138th:

A BILL to be entitled an Act to reconstitute the Chattahoochee County Board of Education with staggered terms and nonpartisan elections for members; to repeal the amendment to the Constitution of Georgia creating a new board of education for Chattahoochee County, approved March 25, 1958 (Ga. L. 1958, p. 603), which was continued under the 1983 Constitution of the State of Georgia by an Act approved March 20, 1986 (Ga. L. 1986, p. 4311); to provide for a referendum with respect to the foregoing; to provide for a contingent effective date; to provide for a contingent automatic repeal; 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.

SB 419. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend an Act establishing the State Court of Wayne County (formerly the City Court of Jesup, in and for the County of Wayne), approved July 31, 1916 (Ga. L. 1916, p. 248), as amended, particularly by an Act approved April 28, 2001 (Ga. L. 2001, p. 4563), so as to change the salary of the judge and solicitor; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Allison	Y Cooper	Y Hatchett	Y Morris	E Smith, M
Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	E 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
E Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	E Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	E 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	Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	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	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Fludd	Y LaRiccia	Y Rhodes	E Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	E Werkheiser
Y 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 Coleman

Y Gravley
Y Greene

Y McClain
Y Meadows

Y Shaw
Y Sims

Yates
Ralston, Speaker

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

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

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

Mr. Speaker:

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

HB 947. By Representative Corbett of the 174th:

A BILL to be entitled an Act to authorize the assessment and collection of a technology fee by the Probate Court of Echols County; to identify the authorized uses of said technology fee; to provide for the maintenance of said technology fee funds; to authorize collaboration of the clerk of the Probate Court of Echols County with the finance director of Echols County; to provide for reports of income and expenditures; to provide for fund history reviews; to provide for lowering of the amount of said technology fee; to repeal conflicting laws; and for other purposes.

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

HB 844. By Representatives Maxwell of the 17th, Jasperse of the 11th, Buckner of the 137th, Greene of the 151st, Rakestraw of the 19th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to update certain provisions related to determining which insurance premiums are subject to taxation related to the fund; to provide that venue for any action brought in the superior court against the fund or the board shall be in the superior court of the board's county of domicile; to repeal conflicting laws; and for other purposes.

HB 1083. By Representatives Houston of the 170th, Pirkle of the 155th and Watson of the 172nd:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Tift County, approved March 30, 1971 (Ga. L. 1971, p. 2468), so as to change the office of the solicitor of the state court to a full-time position; to repeal conflicting laws; and for other purposes.

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

SB 343. By Senator Parent of the 42nd:

A BILL to be entitled an Act to provide a homestead exemption from City of Decatur independent school district ad valorem taxes for educational purposes for five years in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

Representatives Knight of the 130th, Stovall of the 74th, Ballinger of the 23rd, Dickson of the 6th, Nix of the 69th et al., Cook of the 18th, Rakestraw of the 19th, Marin of the 96th, Dawkins-Haigler of the 91st, and Cheokas of the 138th.

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

Mr. Speaker:

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

HB 751. By Representatives Ralston of the 7th, Jones of the 47th, Burns of the 159th and England of the 116th:

A BILL to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2016, and ending June 30, 2017; to make and provide such appropriations for the operation of the state government and its departments, boards, bureaus, commissions, institutions, and other agencies, for the university system, common schools, counties, municipalities, and political subdivisions, for all other governmental activities, projects, and undertakings authorized by law, and for all leases, contracts, agreements, and

grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1681. By Representatives Henson of the 86th, Dawkins-Haigler of the 91st, Stephenson of the 90th, Mosby of the 83rd and Kendrick of the 93rd:

A RESOLUTION commending Mt. Zion African Methodist Episcopal Church and congratulating it on the occasion of its 146th anniversary; and for other purposes.

HR 1686. By Representatives Williams of the 119th, Quick of the 117th, Frye of the 118th, England of the 116th, Burns of the 159th and others:

A RESOLUTION recognizing Zaxby's on the grand occasion of their 25th anniversary; and for other purposes.

HR 1687. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Carolyn Hall upon receiving the 2016 Women's Legislative Caucus's Servant Leadership Award; and for other purposes.

HR 1688. By Representatives Hugley of the 136th, Smyre of the 135th, Smith of the 134th, Pezold of the 133rd and Buckner of the 137th:

A RESOLUTION commending and congratulating Mrs. Artelure Smith Gamble; and for other purposes.

HR 1689. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending the 2016 legislative session temporary administrative assistants for the House of Representatives on their exemplary service; and for other purposes.

HR 1690. By Representative Glanton of the 75th:

A RESOLUTION commending Colonel James E. Crissey for his service to the United States Army and the State of Georgia; and for other purposes.

HR 1691. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Audraine Jackson; and for other purposes.

HR 1692. By Representatives Dickerson of the 113th, Randall of the 142nd, Bennett of the 94th and Dukes of the 154th:

A RESOLUTION recognizing Gwendolyn Boyd Ellis upon the grand occasion of her retirement; and for other purposes.

HR 1693. By Representatives Kidd of the 145th, Stephens of the 164th and Sharper of the 177th:

A RESOLUTION recognizing and commending Joseph Dotson Frazier; and for other purposes.

HR 1694. By Representative Beverly of the 143rd:

A RESOLUTION recognizing November, 2016, as Bladder Health Month at the state capitol; and for other purposes.

HR 1695. By Representatives Glanton of the 75th, Abrams of the 89th, Smyre of the 135th, Dawkins-Haigler of the 91st, Hugley of the 136th and others:

A RESOLUTION recognizing March 21, 2016, as Caribbean American Heritage Day at the state capitol; and for other purposes

Pursuant to HR 1278, the House recognized and commended Julie Doss for her outstanding accomplishments in the 2015 Special Olympics World Games.

Pursuant to HR 1539, the House congratulated the Jefferson High School wrestling team on winning the Class AAA state traditional wrestling championship.

Pursuant to HR 1353, the House recognized and commended Mr. Scott Woerner upon his induction into the College Football Hall of Fame.

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

Mr. Speaker:

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

SB 348 Do Pass
 SB 355 Do Pass
 SB 364 Do Pass, by Substitute

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

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

SB 137. By Senators Harbin of the 16th, Thompson of the 14th, McKoon of the 29th, Ligon, Jr. of the 3rd, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Chapter 32 of Title 33 of the Official Code of Georgia Annotated, relating to property insurance, so as to expand the ownership restriction as it relates to the application of the value of the property covered against loss by fire; 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	E Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	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
E Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	E Stephenson
Y Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	Y Peake	Y Stover
Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Benton	Y Drenner	E 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	Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley

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	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	E Weldon
Y Carson	E Frazier	Y Lott	Y Rice	E Werkheiser
Y 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	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 0.

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

The following Bill of the Senate, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

SB 158. By Senators Burke of the 11th, Kirk of the 13th, Watson of the 1st, Hill of the 6th and McKoon of the 29th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide certain consumer and provider protections regarding health insurance; to provide for definitions; to provide for short titles; to provide for health insurer transparency; to provide for health care providers' right to choose; to provide for health care provider stability; to provide for consumer right to access; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for certain health care provider network restrictions and requirements; to provide for definitions; to require registration by rental preferred provider networks; to provide for applicability; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"CHAPTER 20C

33-20C-1.

As used in this chapter, the term:

(1) 'Affiliate' means an entity owned or controlled, either directly or through a parent or subsidiary entity, by a contracting entity that accesses the rates, terms, or conditions of health care services.

(2) 'Contracting entity' means any person or entity that enters into direct contracts with health care providers for the delivery of health care services in the ordinary course of business, including a health care organization or hospital organization when leasing or renting the health care organization's or hospital organization's network to a third party.

(3) 'Covered person' means an individual who is covered under a health insurance plan.

(4) 'Health care services' means the examination or treatment of persons for the prevention of illness or the correction or treatment of any physical or mental condition resulting from illness, injury, or other human physical problem.

(5) 'Health insurer' means an accident and sickness insurer, health care corporation, health maintenance organization, provider sponsored health care corporation, or any similar entity regulated by the Commissioner.

(6) 'Provider network contract' means a contract between a contracting entity and a provider specifying the rights and responsibilities of the contracting entity and provider for the delivery of and payment for health care services to covered persons.

(7) 'Rental preferred provider network' means a preferred provider network that contracts with a health insurer or other payor or with another preferred provider network to grant access to the terms and conditions of its contract with providers of health care services. Such contracts are often referred to as 'renting' or 'leasing' the network. The term 'rental preferred provider network' does not refer to a proprietary network of a licensed insurer or to arrangements providing for access to the proprietary network of a licensed insurer by affiliates of the licensed insurer or by entities receiving administrative services from the licensed insurer or its affiliates.

(8) 'Third party' means an organization that enters into a contract with a contracting entity or with another third party to gain access to a provider network contract.

33-20C-2.

(a) Any person who commences business as a rental preferred provider network shall register with the Commissioner within 30 days of commencing business in this state

unless such person is licensed by the Commissioner as a health insurer. Each rental preferred provider network not licensed by the Commissioner on July 1, 2016, shall be required to register with the Commissioner no later than September 30, 2016, and shall be placed on an approved list maintained by the Commissioner.

(b) Registration shall consist of the submission of the following information:

(1) The official name of the rental preferred provider network, including any d/b/a designations used in this state;

(2) The mailing address and main telephone number for the rental preferred provider network's main headquarters; and

(3) The name and telephone number of the rental preferred provider network representative who shall serve as the primary contact with the department.

(c) The information required by this Code section shall be submitted in written or electronic format, as prescribed by the Commissioner by rule or regulation.

(d) The Commissioner may, pursuant to rule or regulation, collect a reasonable fee for the purpose of administering the registration process.

(e) The Commissioner shall maintain an approved list of rental preferred provider networks.

33-20C-3.

(a) A rental preferred provider network shall not:

(1) Knowingly access or utilize a network provider's contractual discount pursuant to a provider network contract without a contractual relationship with the network provider, rental preferred provider network, or third party; or

(2) Lease, rent, or otherwise grant to a third party access to a provider network contract unless:

(A) The third party is a payor or third-party administrator or another entity that administers or processes claims on behalf of the payor;

(B) The provider network contract states that the contracting entity may enter into an agreement with a third party allowing the third party to obtain the contracting entity's rights and responsibilities under the provider network contract as if the third party were the contracting entity;

(C) The provider network contract, and all agreements between a contracting entity and any third party, prohibits such third party from increasing the contractual discounts or otherwise reducing the compensation to a network provider to an amount below that which the network provider was entitled from the contracting entity for health care services at the time the third party was granted access to the provider network contract unless such third party becomes a contracting entity; and

(D) The third party accessing the provider network contract is contractually obligated to comply with all applicable terms, limitations, and conditions of the provider network contract.

(b) A contracting entity that grants access to a network provider's health care services and contractual discounts to any third party pursuant to a provider network contract shall maintain an Internet website, mobile communication device application, or other

readily available mechanism, such as a toll-free telephone number, through which a network provider may obtain a listing, updated at least every 30 days, of the third parties to which the contracting entity or another third party has executed contracts to grant access to such network provider's health care services and contractual discounts pursuant to a provider network contract.

(c) All information made available to a network provider in accordance with the requirements of this chapter shall be confidential and shall not be disclosed to any person or entity not employed by the network provider or involved in the network provider's practice or the administration thereof without the prior written consent of the contracting entity; provided, however, that this shall not preclude a network provider from disclosing such information to an outside consultant or attorney for the purpose of assisting the network provider with any disputes with a contracting entity.

(d) Nothing contained in this chapter shall be construed to prohibit a contracting entity from requiring a network provider to execute a reasonable confidentiality agreement to ensure that confidential or proprietary information disclosed by the contracting entity is not used for any purpose other than the network provider's direct practice management or billing activities.

33-20C-4.

(a) A third party, having itself been granted access to a network provider's health care services and contractual discounts pursuant to a provider network contract, that subsequently grants access to another third party shall be obligated to comply with the rights and responsibilities imposed on contracting entities pursuant to this chapter.

(b) A third party that enters into a contract with another third party to access a network provider's health care services and contractual discounts pursuant to a provider network contract shall be obligated to comply with the rights and responsibilities imposed on third parties under this Code section.

33-20C-5.

This chapter shall not apply to:

(1) Provider network contracts for services provided to Medicaid, medicare, the state health benefit plan under Article 1 of Chapter 18 of Title 45, or State Children's Health Insurance Program (SCHIP) beneficiaries;

(2) Employers, church plans, or government plans receiving administrative services from a rental preferred provider network or its affiliates, or pharmacy benefits managers;

(3) Circumstances where access to the provider network contract is granted to an entity operating under the same brand licensee program as the contracting entity;

(4) The provision of any medical services for injuries covered under Chapter 9 of Title 34, relating to workers' compensation; or

(5) Self-funded, employer sponsored health insurance plans regulated under the Employee Retirement Income Security Act of 1974, as codified and amended at 29 U.S.C. Section 1001, et seq.

33-20C-6.

Any person or entity that is not duly licensed or that should be licensed by the department or that is not duly registered or that should be registered with the department pursuant to Code Section 33-20C-2 and acts as a rental preferred provider network, as defined in paragraph (7) of Code Section 33-20C-1, shall be subject to penalties set forth in subsection (g) of Code Section 33-2-24. The Commissioner shall have the authority, in addition to any other remedies and damages allowed by law, to seek to restrain or enjoin any person or entity, whether or not such person or entity is licensed or registered pursuant to this title, that is determined to be in violation of Code Section 33-20C-2 or 33-20C-3, and such person or entity shall be liable for attorney fees and litigation expenses incurred in the action to restrain or enjoin such violation."

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 Hatchett	Y Morris	E Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y 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
E Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Stephens, R
Y Belton	Y Dickey	Holmes	Y Parrish	Y Stephenson
Y 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	E 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	Y Efstration	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	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	E Weldon
Y Carson	E Frazier	Y Lott	Y Rice	E Werkheiser
Y 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	Y 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.

SB 273. By Senators Burke of the 11th, Jones of the 25th, Jeffares of the 17th and VanNess of the 43rd:

A BILL to be entitled an Act to amend Code Section 31-22-1 of the Official Code of Georgia Annotated, relating to definitions relative to clinical laboratories, so as to provide that certain nondiagnostic laboratories are not subject to state licensure as a clinical laboratory; 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	E Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y 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
E Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y 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	E 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	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	E Ramsey	Y Waites

Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	E Weldon
Y Carson	E Frazier	Y Lott	Y Rice	E Werkheiser
Y 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	Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	E 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	Y 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.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 751. By Representatives Ralston of the 7th, Jones of the 47th, Burns of the 159th and England of the 116th:

A BILL to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2016, and ending June 30, 2017; to make and provide such appropriations for the operation of the state government and its departments, boards, bureaus, commissions, institutions, and other agencies, for the university system, common schools, counties, municipalities, and political subdivisions, for all other governmental activities, projects, and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative England of the 116th moved that the House insist on its position in disagreeing to the Senate substitute to HB 751 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

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

Representatives England of the 116th, Burns of the 159th and Jones of the 47th.

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

SB 279. By Senators Harper of the 7th, Albers of the 56th, Ligon, Jr. of the 3rd, Dugan of the 30th, Williams of the 27th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to include the commissioner of juvenile justice and the commissioner of natural resources as voting members of the Georgia Peace Officer Standards and Training Council; 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	E Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y 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
E Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y 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	E 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	Y Efstration	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	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	E Weldon
Y Carson	E Frazier	Y Lott	Y Rice	E Werkheiser
Y 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	Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C

Y Clark, D	Y Golick	E 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	Y 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.

SB 347. By Senator Bethel of the 54th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for extensive changes to the captive insurance company provisions of this title; to provide for definitions for types of captive insurance companies; to provide for creation and regulation of different types of captive insurance companies; to provide for certain exemptions; to change certain requirements; to provide for regulation by the Commissioner; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for extensive changes to the captive insurance company provisions of this title; to provide for definitions for types of captive insurance companies; to provide for creation and regulation of different types of captive insurance companies; to provide for certain exemptions; to change certain requirements; to provide for regulation by the Commissioner; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising Chapter 41, relating to captive insurance companies, as follows:

"CHAPTER 41

33-41-1.

This chapter shall be known and may be cited as the 'Georgia Captive Insurance Company Act.'

33-41-2.

Terms not otherwise defined in this chapter shall have the same meaning ascribed to them in this title. As used in this chapter, unless the context otherwise requires, the term:

(1) 'Affiliate' means an individual, partnership, corporation, limited liability company, trust, or estate that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with one or more of the shareholders or members of a captive insurance company. Affiliates shall also include employees of any shareholder or member, or any affiliate thereof, of a captive insurance company. For the purpose of the foregoing definition of affiliate, 'control' means:

(A) Ownership of shares of a corporation possessing 50 percent or more of the total voting power of all classes of shares entitled to vote or possessing 50 percent or more of the total value of the outstanding shares of the corporation; and

(B) Ownership of 50 percent or more by value of the beneficial or membership interests in a partnership, trust, limited liability company, or estate.

(2) 'Agency captive insurance' company means:

(A) An insurance company that is owned or controlled by an insurance agency, brokerage, managing general agent, or reinsurance intermediary, or an affiliate thereof, or under common ownership or control with such agency, brokerage, managing general agent, or reinsurance intermediary, and that only reinsures the risk of insurance or annuity contracts placed by or through such agency, brokerage, managing general agent, or reinsurance intermediary; or

(B) An insurance company that is owned or controlled by a marketer, producer, administrator, issuer, or provider of service contracts or warranties and that only reinsures the contractual liability arising out of such service contracts or warranties sold through such marketer, producer, administrator, issuer, or provider.

~~(2)~~(3) 'Association' means any membership organization whose members consist of a group of individuals, corporations, partnerships, or other entities or associations who engage in similar or related professional, trade, or business activities and who collectively own, control, or hold with power to vote all of the outstanding voting interests of an association captive insurance company or of a ~~corporation~~ person that is the sole shareholder of an association captive insurance company.

~~(3)~~(4) 'Association captive insurance company' means any domestic insurance company granted a certificate of authority under this chapter to insure or reinsure the similar or related risks of members and affiliates of members of its association.

~~(4)~~(5) 'Captive insurance company' means any pure captive insurance company, association captive insurance company, agency captive insurance company, industrial insured captive insurance company, or risk retention group captive insurance company.

~~(5)~~(6) 'Controlled unaffiliated business' means:

(A) A person:

(i) That is not an affiliate of the parent;

(ii) That has an existing contractual relationship with an affiliate of the parent under which the affiliate bears a potential financial loss; and

(iii) The risks of which are managed by a captive insurance company under an arrangement approved by the Commissioner; or

(B) A reinsurance pooling arrangement with other captive insurance companies that is approved by the Commissioner.

~~(6)~~(7) 'Industrial insured' means an insured:

(A) Who procures the insurance of any risk or risks through the use of the services of a full-time employee who acts as an insurance manager, risk manager, or insurance buyer or through the services of a person licensed as a property and casualty agent, broker, or counselor in such person's state of domicile;

(B) Whose aggregate annual premiums for insurance on all risks total at least \$25,000.00; and

(C) Who either:

(i) Has at least 25 full-time employees;

(ii) Has gross assets in excess of \$3 million; or

(iii) Has annual gross revenues in excess of \$5 million.

~~(7)~~(8) 'Industrial insured captive insurance company' means any domestic insurance company granted a certificate of authority under this chapter to insure or reinsure the risks of industrial insureds and their affiliates and which has as its shareholders or members only industrial insureds that are insured or reinsured by the industrial insured captive insurance company or which has as its sole shareholder or sole member ~~a corporation~~ an entity whose only ~~shareholders~~ owners are industrial insureds that are insured or reinsured by the industrial insured captive insurance company.

~~(8)~~(9) 'Parent' means ~~a corporation~~ an entity which directly owns shares representing more than 50 percent of the total outstanding voting power and value of a pure captive insurance company.

~~(9)~~(10) 'Pure captive insurance company' means any domestic insurance company granted a certificate of authority under this chapter to insure or reinsure the risks of its parent and affiliates of its parent, and controlled unaffiliated business.

~~(10)~~(11) 'Risk retention group captive insurance company' is any ~~pure, association, or industrial insured~~ captive insurance company which has been granted a certificate of authority under this chapter and determined by the Commissioner to be established and maintained as a 'risk retention group' as defined under the federal Liability Risk Retention Act of 1986, as amended. A risk retention group may be chartered and licensed either under this chapter or under Chapter 40 of this title.

~~(11)~~(12) 'Transact,' as used in this chapter, shall not include the organizational activities associated with the preliminary formation, incorporation, petitioning for a certificate of authority, and initial capitalization of a captive insurance company.

33-41-3.

(a) Subject to the provisions of subsection (c) of this Code section and the other provisions of this chapter, a captive insurance company, where permitted by its ~~charter~~ articles of incorporation, may engage in the business of any of the following kinds of insurance or reinsurance:

(1) Casualty, as described in Code Section 33-7-3 but excluding accident and sickness insurance as defined in Code Section 33-7-2, except for a pure captive insurance company, which may engage in the business of accident and sickness insurance as defined in Code Section 33-7-2;

(2) Marine and transportation, as described in Code Section 33-7-5;

(3) Property, as described in Code Section 33-7-6; and

(4) Surety, as described in Code Section 33-7-7.

(b) Insurance policies and bonds issued by a captive insurance company for workers' compensation insurance and motor vehicle accident insurance shall be in conformity with all minimum requirements for coverages and coverage amounts established by the state for such types of insurance. Such insurance policies and bonds issued by a captive insurance company shall constitute satisfactory proof that the motor vehicle owners or employers, as applicable, insured under such policies or bonds have satisfied the requirements for motor vehicle accident insurance prescribed by Code Section 33-34-4 and for workers' compensation insurance prescribed by Code Section 34-9-121.

(c) Except as otherwise provided in subsection (d) of this Code section:

(1) A captive insurance company ~~may~~ shall not insure or reinsure any risks resulting from:

(A) Any personal, familial, or household responsibilities; or

(B) Activities other than risks resulting from responsibilities arising out of any business, whether profit or nonprofit; trade; product; services, including professional or fiduciary services; or commercial premises or commercial operations;

(2) A captive insurance company may only cede reinsurance as provided in Code Section 33-41-14;

(3) A pure captive insurance company may only insure or reinsure the risks of its parent, ~~and~~ affiliates of its parent, and its controlled unaffiliated business;

(4) An association captive insurance company may only insure or reinsure the risks of the members of its association and their affiliates;

(5) An industrial insured captive insurance company may only insure or reinsure the risks of the industrial insureds, and their affiliates, that are its shareholders or shareholders of its sole shareholder; and

(6) A risk retention group captive insurance company may only insure or reinsure the risks of its group members.

(d) A captive insurance company may reinsure the risks insured or reinsured either directly or indirectly by:

(1) Any other captive insurance company; or

(2) Any foreign or alien insurance company which satisfies the ownership or membership requirements of a captive insurance company under this chapter; provided, however, that the risks insured or reinsured from the foreign or alien insurance company are solely those of its owners or members or their affiliates.

33-41-4.

No captive insurance company may transact any insurance in this state unless:

- (1) It first obtains from the Commissioner a certificate of authority authorizing it to transact insurance in this state;
- (2) It maintains its principal place of business in this state;
- (3) Any organization providing the principal administrative or management services to such captive insurance company shall ~~maintain its principal place of business in this state and shall~~ be approved by the Commissioner; and
- (4) Its board of directors holds at least one meeting each year in this state.

33-41-5.

(a) A pure captive insurance company or an agency captive insurance company must be incorporated as a stock insurer with its capital divided into shares.

(b) An association captive insurance company, or an industrial insured captive insurance company, or a risk retention group captive insurance company ~~must~~ shall be incorporated:

- (1) As a stock insurer with its capital divided into shares; or
- (2) As a mutual insurer without capital stock, the governing body of which is elected by its members.

(c) The applicable statutes of this state relating to the powers and procedures of domestic corporations ~~formed for profit~~ shall apply to captive insurance companies, except where in conflict with the express provisions of this chapter or regulations promulgated hereunder; provided, however, that captive insurance companies are exempt from the requirements of subsection (b) of Code Section 33-14-5.

(d) The incorporation procedures of Code Sections 33-14-4 through 33-14-6, inclusive, and the amendment procedures of Code Section 33-14-8 shall apply to captive insurance companies; provided, however, that captive insurance companies are exempt from the publishing and probate court certification requirements of Code Sections 33-14-5 and 33-14-8.

33-41-6.

(a) A captive insurance company shall not use any name which is either similar, misleading, or confusing with respect to any other name already in use by any other captive insurance company, domestic mutual or stock insurance company, corporation, or association organized or doing business in this state. ~~The Secretary of State~~ Commissioner shall not ~~issue a charter to~~ approve the articles of incorporation of an applicant attempting to use such a name nor shall the Commissioner approve an application for a certificate of authority from such applicant.

(b)(1) With the exception of risk retention group captive insurance companies, the name of a captive insurance company shall include the words 'captive insurance company.' ~~company' and have such word or words, abbreviation, suffix, or prefix included in the name or attached to it in such a manner as to clearly indicate that it is a corporation.~~

(2) The name of a risk retention group captive insurance company shall include the words 'risk retention group captive insurance company.' ~~company' and have such word or words, abbreviation, suffix, or prefix included in the name or attached to it in such a manner as to clearly indicate that it is a corporation.~~

(c) If the captive insurance company is a mutual insurer, the word 'mutual' shall also be a part of the name.

33-41-7.

(a) The affairs of every captive insurance company shall be managed by not less than three directors.

(b) At least one of the directors of every captive insurance company shall be a resident of this state, and a majority of the directors shall be citizens of the United States.

(c) Every captive insurance company shall report to the Commissioner within 30 days after any change in its directors including in its report a statement of the business and professional background and affiliations of any new director.

33-41-8.

(a) The amount of minimum capital or surplus required for each captive insurance company shall be determined on an individual basis, however:

(1) A pure captive insurance company shall maintain at least \$250,000.00 in surplus;

(2) An association captive insurance company shall maintain at least \$500,000.00 in surplus;

(3) An agency captive insurance company shall maintain at least \$250,000.00 in surplus;

~~(3)(4)~~ An industrial insured captive insurance company shall maintain at least \$500,000.00 in surplus; and

~~(4)(5)~~ A risk retention group shall maintain at least \$500,000.00 in surplus.

The Commissioner may require additional capital or surplus of any captive insurance company in an amount he or she deems appropriate under the circumstances based on the captive insurance company's business plan as described in paragraph (2) of subsection (a) of Code Section 33-41-10. Additional capital or surplus may be required if the captive insurance company's business plan indicates that an increase is required in order for the captive insurance company to meet its contractual obligations to its policyholders or to maintain its solvency.

(b) Minimum capital or surplus of up to \$500,000.00 shall be maintained in any of the following:

(1) Cash;

(2) Certificates of deposit or similar certificates or evidences of deposits in banks or trust companies but only to the extent that the certificates or deposits are insured by the Federal Deposit Insurance Corporation; ~~or~~

(3) Savings accounts, certificates of deposit, or similar certificates or evidences of deposit in savings and loan associations and building and loan associations but only to the extent that the same are insured by the Federal Savings and Loan Insurance Corporation; or

(4) Promissory notes or other obligations of shareholders secured by one or more letters of credit, as described in Code Section 33-41-9.

(c) One hundred thousand dollars of the minimum capital or surplus of an association captive insurance company, an industrial insured captive insurance company, or a risk retention group captive insurance company must be deposited with the state prior to the issuance of a certificate of authority.

(d) Any additional capital or surplus in excess of \$500,000.00 required by the Commissioner pursuant to subsection (a) of this Code section may be provided and maintained in any of the following:

(1) Any eligible investments of minimum capital or surplus authorized under Code Section 33-11-5;

(2) Promissory notes or other obligations of shareholders secured by one or more letters of credit, as described in Code Section 33-41-9; or

(3) Any other investments approved by the Commissioner that do not impair the financial solvency of the captive insurance company.

33-41-9.

(a) Any letter of credit used to meet the requirements set forth in Code Sections 33-41-8, 33-41-12, and 33-41-14 shall be:

(1) ~~Must be clean,~~ Clean, irrevocable, and unconditional;

(2) ~~Must be issued~~ Issued by a bank approved by the Commissioner, which is either a bank chartered by the State of Georgia or a national bank which is a member of the Federal Reserve System;

(3) ~~Must provide that it is presentable~~ Presentable and payable within the State of Georgia; and

(4) ~~Must be provided~~ Provided in conformity with any other requirements established by the Commissioner.

(b) The Commissioner may require any captive insurance company to draw upon its letters of credit at any time, in amounts determined by the Commissioner, if the Commissioner determines that such action is necessary for the protection of the interests of the captive insurance company's policyholders.

33-41-10.

(a) The application for an original certificate of authority for a captive insurance company must be filed with the Commissioner and shall contain the following:

- (1) A ~~certified~~ copy of the captive insurance company's adopted or proposed articles of incorporation and bylaws;
- (2) A business plan which shall contain the following:
 - (A) A plan of operation or a feasibility study describing the anticipated activities and results of the captive insurance company which shall include:
 - (i) A description of the coverages, coverage limits and deductibles, and premium rating systems for the lines of insurance or reinsurance that the captive insurance company intends to offer;
 - (ii) Historical and expected loss experience of the risks to be insured or reinsured by the captive insurance company;
 - (iii) Pro forma financial statements and projections of the proposed business operations of the captive insurance company;
 - (iv) An analysis of the adequacy of the captive insurance company's proposed premiums and capital and surplus levels relative to the risks to be insured or reinsured by the captive insurance company;
 - (v) A statement of the captive insurance company's net retained limit of liability on any contract of insurance or reinsurance it intends to issue and the nature of any reinsurance it intends to cede;
 - (vi) A statement certifying that the captive insurance company's investment policy is in compliance with this title and specifying the type of investments to be made pursuant to Code Section 33-41-18;
 - (vii) A statement identifying the geographic areas in which the captive insurance company intends to operate;
 - (viii) A statement identifying the persons or organizations who will perform the captive insurance company's major operational functions, including management, underwriting, accounting, investment of assets, claims adjusting and loss control, and the adequacy of the expertise, experience, and character of such persons or organizations; and
 - (ix) Whenever required by the Commissioner, an appropriate opinion by a qualified independent casualty actuary regarding the adequacy of the captive insurance company's proposed capital, surplus, and premium levels; and
 - (B) Such other items deemed relevant by the Commissioner in ascertaining whether the proposed captive insurance company will be able to meet its contractual obligations.
- (b) In determining whether to approve an application for an original or renewal certificate of authority to a captive insurance company, the Commissioner shall examine the items submitted to him pursuant to subsections (a), (e), and (f) of this Code section. The Commissioner may rely upon and accept the reports of independent agents who may include licensed insurance counselors, brokers, agents, or adjusters discussed under Chapter 23 of this title, certified actuarial consultants, certified public accountants, risk managers, and examiners of insurance companies in order to facilitate his examination of the application for a certificate of authority by a captive insurance

company. The expenses and charges of such independent agents shall be paid directly by the captive insurance company.

(c) Each captive insurance company shall pay to the Commissioner an amount equal to all costs of examining, investigating, and processing its application for an original or renewal certificate of authority. In addition, it shall pay a fee for the initial year of registration and a renewal fee for each year thereafter in the amount periodically imposed under this title upon other domestic insurance companies.

(d) Pursuant to Code Section 33-3-15, if the Commissioner is satisfied that the documents and statements filed by the captive insurance company comply with the provisions of this chapter, he shall notify the captive insurance company of his intention to issue a certificate of authority.

(e) After the captive insurance company has been notified pursuant to subsection (d) of this Code section, the captive insurance company shall provide the Commissioner with:

(1) Evidence satisfactory to the Commissioner that the minimum capital or surplus required for the particular captive insurance company under Code Section 33-41-8 has been paid in and that the appropriate amount thereof has been deposited with the state; and

(2) A financial statement showing the assets and liabilities of the captive insurance company which is certified by its president and calculated in accordance with the accounting standards set out in Chapter 10 of this title, except as modified by this chapter.

Thereafter, the Commissioner shall promptly issue a certificate of authority authorizing the captive insurance company to transact insurance in this state until the thirtieth day of June thereafter.

(f) Any material change in the items required under subsection (a) of this Code section shall require the prior approval of the Commissioner. Any material change which is not disapproved by the Commissioner within 30 days after its submission shall be deemed approved.

33-41-11.

(a) The certificate of authority of a captive insurance company to transact insurance in this state may be refused, or suspended, or not be renewed pursuant to Code Sections 33-3-17 through 33-3-19, inclusive.

(b) A certificate of authority shall expire, be renewed, and be amended by the Commissioner pursuant to Code Section 33-3-16; provided, however, that captive insurance companies shall not be subject to the publishing requirements of such Code section.

33-41-12.

For the purposes of determining the financial condition of a captive insurance company, including, but not limited to, the maintenance of adequate reserves pursuant to Code Section 33-41-13, the reporting of business affairs pursuant to Code Section 33-41-15,

and the examinations and investigations pursuant to Code Section 33-41-16, there shall be allowed as assets of a captive insurance company:

- (1) Those assets described in Code Section 33-10-1;
- (2) Those assets otherwise authorized by Code Sections 33-41-8 and 33-41-14; ~~and~~
- (3) Obligations for premium payments, provided that such obligations are secured by letters of credit, as described in Code Section 33-41-9; and
- (4) Assets that are approved by the Commissioner as admitted assets under rules adopted pursuant to this chapter.

33-41-13.

(a) Every captive insurance company shall maintain reserves in an amount estimated in the aggregate to provide for the payment of all unpaid losses and claims incurred, whether reported or unreported, for which such captive insurance company may be liable, together with the expenses of adjustment or settlement of such losses and claims. Every captive insurance company shall keep a complete and itemized record, in a form satisfactory to the Commissioner, showing all losses and claims on which it has received notice.

(b) If the loss experience of a captive insurance company shows that its loss reserves, however estimated, are inadequate, the Commissioner shall require the captive insurance company to maintain increased amounts of loss reserves as are needed to make its loss reserves adequate.

(c) Every captive insurance company shall maintain an unearned premium reserve on all policies in force which shall never be less in the aggregate than the captive insurance company's actual liability to all its insureds for the return of gross unearned premiums computed pursuant to the method commonly referred to as the monthly pro rata method.

33-41-14.

(a) A captive insurance company may cede any part of its risks to a reinsurer pursuant to a written reinsurance agreement and may take credit as an asset or a deduction from its liabilities for the amount of reinsurance premiums recoverable under such reinsurance agreement:

- (1) If the reinsurer is in compliance with Code Section 33-7-14;
- (2) To the extent that assets are deposited or withheld from the reinsurer under a written trust or escrow agreement approved by the Commissioner pursuant to an express provision in the reinsurance agreement as security for the payment of the reinsurer's obligations thereunder, provided that:
 - (A) The assets deposited or withheld are held subject to withdrawal by, and under the control of, the ceding captive insurance company; or
 - (B) The assets deposited or withheld are placed in a trust or escrow account for such purposes in a bank which is either chartered by the State of Georgia or a national bank which is a member of the Federal Reserve System and withdrawals

cannot be made without the express written consent of the ceding captive insurance company;

(3) To the extent of the amount of a letter of credit, as described in Code Section 33-41-9, given pursuant to an express provision in the reinsurance agreement as security for the payment of the reinsurer's obligations thereunder; or

(4) When the Commissioner shall otherwise authorize such credits or deductions.

(b) Any assets deposited or withheld under paragraph (2) of subsection (a) of this Code section must be in the form of cash, as defined in Code Section 33-11-6, or securities which must have a market value equal to or greater than the credit taken and are qualified as allowed assets for a domestic insurer under Chapter 11 of this title.

(c) No credit shall be allowed for reinsurance in any unauthorized assuming reinsurer unless such reinsurer designates the Commissioner as agent for service of process in any action arising out of, or in connection with, such reinsurance.

33-41-15.

Each captive insurance company shall be required to file annual and other reports of its business affairs and operations as prescribed by Code Section 33-3-21.

33-41-16.

(a) The Commissioner or his or her designated agent may visit each captive insurance company at any time and examine its affairs in order to ascertain its financial condition, its ability to fulfill its contractual obligations, and its compliance with this chapter. For these purposes, the Commissioner or his or her designated agent shall have free access to all of the books and records relating to the business of the captive insurance company. The expenses and charges of any examination conducted pursuant to this Code section shall be paid directly by the captive insurance company examined.

(b) When necessary or desirable to assist in any examination under this Code section, the Commissioner may retain such independent agents as described in subsection (b) of Code Section 33-41-10, as the Commissioner deems appropriate, in order to facilitate his or her examination under this Code section. The expenses and charges of such persons so retained or designated shall be paid directly by the captive insurance company. The provision of subsection (g) of Code Section 33-2-14 shall apply to examinations of any captive insurance company.

(c) All portions of license applications reasonably designated confidential by or on behalf of an applicant pure or agency captive insurance company, all information and documents, and any copies of the foregoing, produced or obtained by or submitted or disclosed to the Commissioner pursuant to this chapter that are reasonably designated confidential by a pure or agency captive insurance company, and all examination reports, preliminary examination reports, working papers, recorded information, other documents, and any copies of any of the foregoing, produced or obtained by or submitted or disclosed to the Commissioner pursuant to this chapter shall be given confidential treatment, except as to disclosures consented to by the pure or agency captive insurance company, and shall not be subject to subpoena, shall not be made

public by the Commissioner, and shall not be provided or disclosed to any other person at any time except to:

- (1) Insurance commissioners of any state or of any foreign country or jurisdiction, provided that:
 - (A) Such receiving party shall agree in writing to maintain the confidentiality of such information; and
 - (B) The laws of the receiving party require such information to be and to remain confidential; or
- (2) A law enforcement official or agency of this state, any other state, or the United States of America so long as such official or agency agrees in writing to hold it confidential and in a manner consistent with this Code section.

33-41-17.

The Commissioner may impose fines as prescribed by Code Section 33-3-20.

33-41-18.

Except as provided in Code Section 33-41-8:

- (1) ~~Any~~ Risk retention group captive insurance companies, industrial insured captive insurance companies, and association captive insurance company companies shall comply with the investment requirements contained in Article 2 of Chapter 11 of this title; and
- (2) ~~No pure~~ Pure captive insurance company or industrial insured companies and agency captive insurance company companies shall not be subject to any restrictions on eligible investments whatever, including those limitations contained in Chapter 11 of this title; provided, however, that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of any such captive insurance company.

33-41-19.

- (a) No captive insurance company shall be required to join or use the rates, rating systems, underwriting rules, or policy or bond forms of a rating or advisory organization as defined in Code Section 33-9-2.
- (b) No captive insurance company shall be required to file its premium rates or policy forms with, or seek approval of such rates or forms from, the Commissioner or any other authority of this state. However, the Commissioner shall impose minimum premiums upon association captive insurance companies which write motor vehicle liability insurance coverage required by law and do not participate in the Georgia Insurers Insolvency Pool.
- (c) Each captive insurance company shall provide the following notice in ten-point type on the front page and declaration page on all policies and on the front page of all applications for policies:

'This captive insurance company is not subject to all of the insurance laws and regulations of the State of Georgia. State insurers insolvency guaranty funds are not available to the policyholders of this captive insurance company.'

33-41-20.

(a)(1) No captive insurance company other than an association or industrial insured captive insurance company issuing workers' compensation insurance contracts shall be permitted to join or contribute financially to the Georgia Insurers Insolvency Pool under Chapter 36 of this title or any other plan, pool, or association guaranty or insolvency fund in this state. Other than an association or industrial insured captive insurance company issuing workers' compensation insurance contracts, no captive insurance company, or its insureds or claimants against its insureds, nor its parent or any affiliated company shall receive any benefit from the Georgia Insurers Insolvency Pool or any other plan, pool, or association guaranty or insolvency fund for claims arising out of the operations of such captive insurance company.

(2) No captive insurance company shall be required to participate in any FAIR Plan established and maintained in this state under Chapter 33 of this title.

(3) No captive insurance company shall be required to participate in any joint underwriting association established and maintained in this state under Chapter 9 of this title.

(b) Captive insurance companies shall be assessed on the same basis as self-insurers for the purpose of payments to the Subsequent Injury Trust Fund as described in Chapter 9 of Title 34.

33-41-20.1.

(a) On and after January 1, 2008, every association and industrial insured captive insurance company issuing workers' compensation insurance contracts shall become a member of the Georgia Insurers Insolvency Pool under Chapter 36 of this title as to workers' compensation only. Such captive insurance companies shall be liable for assessments pursuant to Code Section 33-36-7 and for all other obligations imposed pursuant to Chapter 36 of this title as to workers' compensation only.

(b) Except as provided for in Code Section 33-36-20, the Georgia Insurers Insolvency Pool shall not be liable for any claims incurred by any captive insurance company before January 1, 2008.

33-41-21.

The provisions of Chapter 37 of this title shall apply to and govern the rehabilitation, reorganization, conservation, and liquidation of captive insurance companies.

33-41-22.

In lieu of any other taxes imposed by this title, all captive insurance companies licensed under this chapter shall pay the following taxes:

- (1) A tax at the rate of 0.4 percent on the first \$20 million and 0.3 percent on each dollar thereafter on its direct premiums collected, after deducting from the direct premiums subject to the tax the amounts paid to policyholders as return premiums which must include dividends on unabsorbed premiums or premium deposits returned or credited to policyholders;
- (2) A tax at the rate of 0.225 percent on the first \$20 million of assumed reinsurance premium, and 0.150 percent on the next \$20 million and 0.050 percent on the next \$20 million, and 0.025 percent of each dollar thereafter. However, no reinsurance tax applies to premiums for risks or portions of risks that are subject to taxation on a direct basis pursuant to paragraph (1) of this Code section. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control, provided that the Commissioner verifies that such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company;
- (3) If the aggregate taxes to be paid by a captive insurance company calculated under paragraphs (1) and (2) of this Code section amount to more than \$100,000.00 in any year, the captive insurance company shall pay a maximum tax of \$100,000.00 for that year;
- (4) Two or more captive insurance companies under common ownership and control shall be taxed as though they were a single captive insurance company; and
- (5) The tax provided for in paragraphs (1) and (2) of this Code section shall be calculated on an annual basis, notwithstanding policies or contracts of insurance or contracts of reinsurance issued on a multiyear basis. In the case of multiyear policies or contracts, the premium shall be prorated for purposes of determining the tax due.

33-41-23.

The Commissioner may establish such rules and regulations and issue such interpretive rulings as may be necessary to carry out the provisions of this chapter.

33-41-24.

Any provisions of this title which are inconsistent with the provisions of this chapter shall not apply to captive insurance companies; provided, however, that pure and agency captive insurance companies shall not be subject to the requirements of Chapter 13 of this title."

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 Hatchett	Y Morris	E Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y 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
E Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
Y 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	E 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	Y 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	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Fludd	Y LaRiccias	Y Rhodes	E Weldon
Y Carson	E Frazier	Y Lott	Y Rice	E Werkheiser
Y 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	E 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	Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 0.

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

Representative England of the 116th moved that the following Bill of the House be immediately transmitted to the Senate:

HB 751. By Representatives Ralston of the 7th, Jones of the 47th, Burns of the 159th and England of the 116th:

A BILL to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2016, and ending June 30, 2017; to make and provide such appropriations for the operation of the state government and its departments, boards, bureaus, commissions, institutions, and other agencies, for the university system, common schools, counties, municipalities, and political subdivisions, for all other governmental activities, projects, and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

Mr. Speaker:

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

HB 751. By Representatives Ralston of the 7th, Jones of the 47th, Burns of the 159th and England of the 116th:

A BILL to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2016, and ending June 30, 2017; to make and provide such appropriations for the operation of the state government and its departments, boards, bureaus, commissions, institutions, and other agencies, for the university system, common schools, counties, municipalities, and political subdivisions, for all other governmental activities, projects, and undertakings authorized by law, and for all leases, contracts, agreements, and grants authorized by law; to provide for the control and administration of funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hill of the 4th, Cowsert of the 46th, and Shafer of the 48th.

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

SB 277. By Senators Albers of the 56th, Bethel of the 54th, Ligon, Jr. of the 3rd, Shafer of the 48th, Millar of the 40th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to labor and industrial relations, so as to provide that neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purpose; to provide for a short title; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read:

Representatives Abrams of the 89th, McClain of the 100th, and Hugley of the 136th offer the following amendment:

Amend SB 277 (LC 36 2943S) by deleting lines 1 through 6 and inserting in lieu thereof the following:

To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to change certain provisions relating to employees; to provide that neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purpose; to provide for applicability; to provide for a short title; to change certain provisions of a definition in order to provide that services performed by an individual for wages shall be deemed to be employment unless certain factors demonstrate that such individual has been and will continue to be free from control or direction over the performance of such services; to provide that the Department of Labor shall maintain a web based system of notifying the department of employment that is improperly reported; to provide for investigation of reports of misclassification; to provide for effective dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

By inserting between lines 7 and 8 the following:

PART I

By replacing "Act" on line 9 with "part".

By redesignating Section 1 and Section 2 as Section 1-1 and Section 1-2, respectively.

By deleting lines 11 and 12 and inserting in lieu thereof the following:

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by adding a new Code section

By deleting lines 22 through 24 and inserting in lieu thereof the following:

PART II
SECTION 2-1.

Said title is further amended by revising subsection (f) of Code Section 34-8-35, relating to the definition of employment applicable to the "Employment Security Law," as follows:

"(f) Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown that:

(1)(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under the individual's contract of service and in fact, based upon the totality of the circumstances and taking into consideration whether the individual:

(i) Is not prohibited from working for other companies or holding other employment contemporaneously;

(ii) Is free to accept or reject work assignments without consequence;

(iii) Is not prescribed minimum hours to work or, in the case of sales, does not have a minimum number of orders to be obtained;

(iv) Has the discretion to set his or her own work schedule;

(v) Receives only minimal instructions and no direct oversight or supervision regarding the services to be performed, such as the location where the services are to be performed and any requested deadlines;

(vi) When applicable, has no territorial or geographic restrictions; and

(vii) Is not required to perform, behave, or act or, alternatively, is compelled to perform, behave, or act in a manner related to the performance of services for wages which is determined by the Commissioner to demonstrate employment, in accordance with this Code section and such rules and regulations as the Commissioner may prescribe; and

(B) Such individual is customarily engaged in an independently established trade, occupation, profession, or business; or

(2) Such individual and the services performed for wages are the subject of an SS-8 determination by the Internal Revenue Service, which decided against employee status."

SECTION 2-2.

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

"34-8-257.

The department shall create a web based reporting system through which instances of improperly reported employment may be submitted to the department. The department shall investigate each credible report."

PART III
SECTION 3-1.

(a) Except as provided in subsection (b) of this Section, this Act shall become effective on July 1, 2016.

(b) Part I of this Act shall become effective on January 1, 2017.

SECTION 3-2.

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

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

On the adoption of the amendment, the ayes were 52, nays 111.

The amendment was lost.

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:

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

On the passage of the Bill, the ayes were 113, nays 45.

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

The following member was recognized during the period of Morning Orders and addressed the House:

Representative Jordan of the 77th.

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

SB 308. By Senators Unterman of the 45th, Shafer of the 48th, Cowsert of the 46th, Ligon, Jr. of the 3rd, Gooch of the 51st and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to establish the Positive Alternatives for Pregnancy and Parenting Grant Program; to provide for a purpose; to provide for definitions; to provide for administration and duties; to provide for grant services; to provide criteria; to provide for record maintenance and reporting; to provide for reports to the General Assembly; to provide for funding; to provide for redesignation of certain Code provisions and conforming changes; to expand authorized expenditure of contributed funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to establish the Positive Alternatives for Pregnancy and Parenting Grant Program; to provide for a purpose; to provide for definitions; to provide for administration and duties; to provide for grant services; to provide criteria; to provide for record maintenance and reporting; to provide for reports to the General Assembly; to provide for funding; to provide for redesignation of certain Code provisions and conforming changes; to expand authorized expenditure of contributed funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by designating the existing provisions of Chapter 2A, relating to the Department of Public Health, as Article 1.

SECTION 2.

Said title is further amended in Chapter 2A, relating to the Department of Public Health, by adding a new article to read as follows:

"ARTICLE 231-2A-30.

This article is passed pursuant to the authority of Article III, Section IX, Paragraph VI(i) of the Constitution.

31-2A-31.

As used in this article, the term:

(1) 'Attending physician' means the physician who has primary responsibility at the time of reference for the treatment and care of the client.

(2) 'Client' means a person seeking or receiving pregnancy support services.

(3) 'Contract management agency' or 'agency' means a nongovernmental charitable organization in this state which is a 501(c)(3) tax-exempt organization under the Internal Revenue Code of 1986 and whose mission and practice is to provide alternatives to abortion services to medically indigent women at no cost.

(4) 'Direct client service providers' or 'providers' means nonprofit organizations with a contractual relationship with the contract management agency and that provide direct pregnancy support services to clients at no cost.

(5) 'Medically indigent' means a person who is without health insurance or who has health insurance that does not cover pregnancy or related conditions for which treatment and services are sought and whose family income does not exceed 200 percent of the federal poverty level as defined annually by the federal Office of Management and Budget.

(6) 'Pregnancy support services' means those services that encourage childbirth instead of voluntary termination of pregnancy and which assist pregnant women or women who believe they may be pregnant to choose childbirth whether they intend to parent or select adoption for the child.

(7) 'Program' means the Positive Alternatives for Pregnancy and Parenting Grant Program.

(8) 'Trust fund' means the Indigent Care Trust Fund created by Code Section 31-8-152.

31-2A-32.

There is established within the department the Positive Alternatives for Pregnancy and Parenting Grant Program. The purpose of the grant program shall be to promote healthy pregnancies and childbirth by awarding grants to nonprofit organizations that provide pregnancy support services.

31-2A-33.

(a) The department shall oversee the program and is authorized to contract with a contract management agency to administer the program.

(b) The contract management agency selected by the department shall:

(1) Create a grant application process;

- (2) Evaluate grant applications and make recommendations to the department;
- (3) Communicate acceptance or denial of grant applications to direct client service providers;
- (4) Monitor compliance with the terms and conditions of the grant;
- (5) Maintain records for each grant applicant and award; and
- (6) Coordinate activities and correspondence between the department and direct client service providers.

31-2A-34.

The services which shall be funded by this program include:

- (1) Medical care and information, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screening, ultrasound service, prenatal care, and birth classes and planning;
- (2) Nutritional services and education;
- (3) Housing, education, and employment assistance during pregnancy and up to one year following a birth;
- (4) Adoption education, planning, and services;
- (5) Child care assistance if necessary for the client to receive pregnancy support services;
- (6) Parenting education and support services for up to one year following a birth;
- (7) Material items which are supportive of pregnancy and childbirth including, but not limited to, cribs, car seats, clothing, formula, or other safety devices; and
- (8) Information regarding health care benefits, including but not limited to, available Medicaid coverage for the client for pregnancy care that provides health coverage for the client's child upon his or her birth.

31-2A-35.

- (a) Grants shall be awarded annually on a competitive basis to direct client service providers who display competent experience in providing the services included in Code Section 31-2A-34 pursuant to guidelines and criteria established pursuant to this article.
- (b) The department shall, with input from the agency, determine the maximum grant amount to be awarded to each direct client service provider, and such grant amount shall not exceed 85 percent of the annual revenue for the prior year of any provider.
- (c) The grant agreement entered into between the agency and a direct client service provider shall stipulate that the grant shall be used to provide pregnancy support services pursuant to Code Section 31-2A-34. The agreement shall further stipulate that a direct client service provider shall not perform, promote, or act as a referral for an abortion, except as otherwise provided in paragraph (9) of subsection (a) of Code Section 31-2A-36, and that grant funds shall not be used to promote or be otherwise expended for political or religious purposes, including, but not limited to, counseling or written material.

31-2A-36.

(a) In order to be considered for a grant under this article, each direct client service provider shall:

- (1) Be a nonprofit organization incorporated in this state with a tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986;
- (2) Have a primary mission of promoting healthy pregnancy and childbirth;
- (3) Have a system of financial accountability consistent with generally accepted accounting principles, including an annual budget;
- (4) Have a board that hires and supervises a director who manages the organization's operations;
- (5) Have provided pregnancy support services for a minimum of one year;
- (6) Offer, at a minimum, pregnancy tests and counseling for women who are or may be experiencing unplanned pregnancies;
- (7) Provide confidential and free pregnancy support services;
- (8) Provide each pregnant client with accurate information on the developmental characteristics of babies and of unborn children, including offering the printed materials described in Code Section 31-9A-4 on fetal development and assistance available following a birth;
- (9) Ensure that grant money is not used to encourage or affirmatively counsel a client to have an abortion unless the client's attending physician diagnoses a condition which makes such abortion necessary to prevent her death; to provide her an abortion; or to directly refer her to an abortion provider for an abortion; and
- (10) Maintain confidentiality of all data, files, and records of clients related to the services provided and in compliance with state and federal laws.

(b) The department shall publish the direct client service provider criteria on its website.

31-2A-37.

Each direct client service provider shall maintain accurate records and report data to the agency annually on forms and in the manner required by the department. Reports shall include the number of clients who:

- (1) Utilized pregnancy support services;
- (2) Are pregnant;
- (3) Chose childbirth after receiving pregnancy support services;
- (4) Chose adoption after receiving pregnancy support services; and
- (5) Chose abortion after receiving pregnancy support services.

Each provider may be required to provide other information and data at the discretion of the department.

31-2A-38.

Confidentiality of all data, files, and records of clients related to the services provided under this article shall be maintained by the department, contract management agency, and direct client service providers pursuant to federal and state laws related to privacy

of medical records, including requirements under the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191.

31-2A-39.

The agency shall conduct an annual audit of each direct client service provider by an independent certified public accountant within 120 days of the completion of its fiscal year verifying that it has complied with all requirements of this article and any other requirements of the department.

31-2A-40.

(a) The department shall annually report to the General Assembly on its use of trust funds appropriated to the department pursuant to this article.

(b) The department shall also provide an annual report no later than September 30 of each year beginning September 30, 2017, which shall provide the following information for the immediately preceding fiscal year:

(1) The amount of any contributions or other funding received;

(2) The total amount of expenses; and

(3) The amount of trust funds disbursed through the agency to direct client service providers.

(c) The reports required by this Code section shall be made available to the public free of charge by electronic means and in such other manner as the department deems appropriate.

31-2A-41.

The department is authorized to accept donations, contributions, and gifts and receive, hold, and use grants, devises, and bequests of real, personal, and mixed property on behalf of the state to enable the department to carry out the functions and purposes of this article."

SECTION 3.

Said title is further amended by revising Code Section 31-8-154, relating to authorized expenditure of contributed funds, as follows:

"31-8-154.

All moneys contributed and revenues deposited and transferred to the trust fund pursuant to this article and any interest earned on such moneys shall be appropriated to the department for only the following purposes:

(1) To expand Medicaid eligibility and services;

(2) For programs to support rural and other health care providers, primarily hospitals, who serve the medically indigent;

(3) For primary health care programs for medically indigent citizens and children of this state; ~~or~~

(4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established under Article 2 of Chapter 2A of this title; or

~~(4)~~(5) Any combination of purposes specified in paragraphs (1) through ~~(3)~~ (4) of this Code section."

SECTION 4.

Said title is further amended in Code Section 31-8-156, relating to appropriation of state funds by General Assembly, by revising subsection (b) as follows:

"(b) An appropriation pursuant to subsection (a) of this Code section shall specify each purpose, if any, as specified in paragraphs (1) through ~~(4)~~ (5) of Code Section 31-8-154, for which the trust funds are appropriated thereby."

SECTION 5.

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

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

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

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

Y Cheokas	N Glanton	Y Maxwell	N Scott	N Williams, C
Y Clark, D	Y Golick	E Mayo	Y Setzler	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	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 103, nays 52.

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

The following Resolutions of the House were read and adopted:

HR 1697. By Representatives Smith of the 70th, Trammell of the 132nd, Ramsey of the 72nd and Stover of the 71st:

A RESOLUTION honoring the life and memory of Donald W. Nixon; and for other purposes.

HR 1698. By Representatives Carter of the 92nd, Bennett of the 94th, Kendrick of the 93rd, Dawkins-Haigler of the 91st and Williams of the 87th:

A RESOLUTION recognizing Miller Grove High School's Men's Basketball Team on their repeated championships; and for other purposes.

HR 1699. By Representatives Dawkins-Haigler of the 91st, Carter of the 92nd, Kendrick of the 93rd, Mitchell of the 88th, Glanton of the 75th and others:

A RESOLUTION recognizing and commending Sebrena Sumrah-Kelly; and for other purposes.

HR 1700. By Representatives Howard of the 124th, Sims of the 123rd, Prince of the 127th and Smith of the 125th:

A RESOLUTION recognizing Alice Jones Harrison on the grand occasion of her 90th birthday; and for other purposes.

HR 1701. By Representatives Howard of the 124th, Prince of the 127th, Sims of the 123rd and Smith of the 125th:

A RESOLUTION recognizing Robetta D. McKenzie upon the grand occasion of her retirement; and for other purposes.

HR 1702. By Representatives Howard of the 124th, Prince of the 127th, Sims of the 123rd and Smith of the 125th:

A RESOLUTION honoring the Central Savannah River Area Business League, Inc., on the occasion of its 46th anniversary; and for other purposes.

HR 1703. By Representatives Trammell of the 132nd, Smith of the 70th, Ramsey of the 72nd and Stover of the 71st:

A RESOLUTION recognizing and congratulating Dr. Joel E. Richardson on the occasion of his retirement; and for other purposes.

Representative Burns of the 159th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 14, 2016, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, March 14, 2016.