Representative Hall, Atlanta, Georgia

Wednesday, March 16, 2016

Thirty-Eighth Legislative Day

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

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

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

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

Representatives Dukes of the 154th, Gardner of the 57th, Kirby of the 114th, Peake of the 141st, and Randall of the 142nd.

They wished to be recorded as present.

Prayer was offered by Reverend Avery Headd, Pastor, Poplar Hill Baptist Church, Buford, 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 Bill and Resolution of the House were introduced, read the first time and referred to the Committees:

HB 1156. By Representative Mabra of the 63rd:

A BILL to be entitled an Act to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to provide for environmental citizen suit enforcement actions; to provide for a short title; to provide definitions; to provide for procedures and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 1720. By Representatives Coomer of the 14th and Rogers of the 10th:

A RESOLUTION honoring the life of Mr. Frank Cathey and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HR 1782. By Representatives Werkheiser of the 157th and Nimmer of the 178th:

A RESOLUTION creating the House Study Committee on Coal Ash; and for other purposes.

Referred to the Committee on Special Rules.

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

HB 1148	HB 1149
HB 1150	HB 1151
HB 1152	HB 1153
HB 1154	HB 1155
HR 1718	HR 1719
SB 241	SB 426

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 1080	Do Pass	HB 1143	Do Pass
HB 1145	Do Pass	HB 1146	Do Pass
HB 1147	Do Pass	SB 377	Do Pass, as Amended
SB 421	Do Pass, by Substitute	SB 425	Do Pass

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

Representative Powell of the 32nd District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security 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 270 Do Pass, by Substitute
SB 320 Do Pass, by Substitute
SB 416 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 32nd
Chairman

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

HOUSE RULES CALENDAR
WEDNESDAY, MARCH 16, 2016

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Open Rule

HR 1253 Local boards of education; instruction on dugout safety to youth athletes participating in baseball; encourage (Ed-Sharper-177th)
HR 1342 Education; school children; request more recess time (Ed-Douglas-78th)
HR 1382 Community Health, Department of; create and seek the counsel of a State Health Benefit Plan Customer Advisory Council; encourage (H&HS-Buckner-137th)
SB 243 Georgia Judicial Retirement System; preservation of rights by certain persons; change certain provisions (Ret-Battles-15th) Hill-4th

SR 1027 Joint Music Economic Development Study Committee; create (Substitute)(SRules-Reeves-34th) Mullis-53rd
SR 1038 Joint Alternative Fuels Infrastructure Study Committee; create (Substitute)(SRules-Harrell-106th) Mullis-53rd

Modified Structured Rule

HR 1343 United States Environmental Protection Agency; withdraw the proposed Waters of the United States Clean Water Plan rule; encourage (Substitute)(NR&E-McCall-33rd)
SB 208 Stonecrest, City of; provide for a charter (Substitute)(GAff-Dawkins-Haigler-91st) Ramsey, Sr.-43rd

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

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

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

HB 1131. By Representatives Gardner of the 57th, Kaiser of the 59th, Metze of the 55th, Abrams of the 89th, Bennett of the 80th and others:

A BILL to be entitled an Act to provide for the levy of a retail sales and use tax by the City of Atlanta for the purpose of providing public transportation of passengers for hire in the metropolitan area of the City of Atlanta; to provide for definitions; to provide for procedures, conditions, and limitations for the imposition of such tax; to provide for selection of projects for such purposes; to provide for a referendum; to provide for an additional referendum in certain instances; to provide for a limitation on the collection of a tax for transportation purposes in certain counties in certain instances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1080. By Representatives Ramsey of the 72nd, Yates of the 73rd, Fludd of the 64th and Mabra of the 63rd:

A BILL to be entitled an Act to authorize the Magistrate Court of Fayette County to impose and collect county law library fees as part of the court costs in the magistrate court; to provide for practices and procedures connected therewith; 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 1143. By Representatives Ballinger of the 23rd, Turner of the 21st, Carson of the 46th, Caldwell of the 20th and Cantrell of the 22nd:

A BILL to be entitled an Act to provide for the employment of marshals by Cherokee County; to provide for qualifications; to provide for powers; 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 1145. By Representatives Nix of the 69th, Trammell of the 132nd and Pezold of the 133rd:

A BILL to be entitled an Act to amend an Act creating the State Court of Troup County, approved March 6, 1962 (Ga. L. 1962, p. 3020), as amended, so as to change the salaries of the judge of the state court and the solicitor-general of the state court; 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 1146. By Representatives Kendrick of the 93rd, Mayo of the 84th, Williams of the 87th, Carter of the 92nd, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners of said county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 4304), so as to provide for the regulation of land use; to provide for the completion of an audit by an outside auditor; to provide for purchases without sealed bid through an existing contract or schedule with a county, municipality, the State of Georgia or the

federal government; 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 1147. By Representatives Dickey of the 140th and Clark of the 147th:

A BILL to be entitled an Act to amend an Act to create the Byron Convention and Visitors Bureau Authority, approved April 4, 1997 (Ga. L. 1997, p. 3921), as amended, particularly by an Act approved May 11, 2009 (Ga. l. 2009, p. 4149), so as to revise the provisions regarding staff of the authority; to provide for the manner of appointment of a director; to provide for the duties of the director; 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 377. By Senators Jeffares of the 17th and VanNess of the 43rd:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in Newton County; to provide for related matters; to provide for an effective date and for severability; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

The Committee on Intragovernmental Coordination - Local moves to amend *SB 377 (LC 28 7824ER) by inserting* "consultants," *after* "architects," *on line 70.*

By deleting "contiguous" *on line 95.*

By inserting "consultants, accountants," *after* "attorneys," *on line 384.*

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

SB 421. By Senators Butler of the 55th, Parent of the 42nd, Henson of the 41st, Davenport of the 44th and Jones of the 10th:

A BILL to be entitled an Act to create the DeKalb County Charter Review Commission; to provide for its membership, officers, purpose, meetings,

hearings, functions, powers, expenses, and duties; to provide for a final report; to provide for the abolishment of such commission; to provide for definitions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To create the DeKalb County Charter Review Commission; to provide for its membership, officers, purpose, meetings, hearings, functions, powers, expenses, and duties; to provide for a final report; to provide for the abolishment of such commission; to provide for definitions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Definitions.

(1) "Organizational Act" as used in this act refers to the Organizational Act of DeKalb County, Georgia, Georgia Laws 1981, p. 4301, et seq., and all properly enacted amendments thereto.
(2) "Governing Authority" as used in this act refers to the governing authority of DeKalb County, Georgia, as defined in Section 1 of the Organizational Act.
(3) Any reference to the members of the General Assembly from DeKalb County, or to members of either the Senate or House of Representatives from DeKalb County refers to members of both houses, or of the identified house, whose senatorial or representative districts lie wholly or partially in DeKalb County.

SECTION 2.
Commission creation.

(1) There is hereby created the DeKalb County Government Charter Commission, hereinafter referred to as the "Commission."
(2) It shall be the duty of the Commission to review the Organizational Act and to make such recommendations as the Commission deems appropriate to ensure that the government of DeKalb County, Georgia is:
(A) Representative of all of the citizens of DeKalb County;
(B) Responsive to the needs and demands of the citizens of DeKalb County;
(C) Delivers governmental services to all of the citizens of DeKalb County in an efficient and effective way; and

(D) Considers all relevant and applicable forms of government.

(3) It shall further be the duty of the Commission to make such recommendations as it may deem necessary to harmonize all parts of the Organizational Act.

(4) The Commission shall refer to all previous studies of the DeKalb County government. It shall specifically consider the reports of the two previous Charter Commissions created by the General Assembly: the Local Government Commission (1954), the DeKalb County Government Reorganization Commission (1979); and the 2014 DeKalb Operations Task Force.

(5) In addition to the foregoing resources, within budgetary limitations the Commission shall have complete authority to gather information from whatever source it deems necessary or appropriate to enable it to carry out its duties outlined in this Act. Officials and employees of the State of Georgia shall be authorized to provide information and assistance to the Commission to enable the Commission to carry out its duties under this Act. Should any official of the State of Georgia or DeKalb County refuse the reasonable request of the Commission, or undertake, directly or indirectly, to hinder the Commission in the proper performance of its duties, the Commission, by majority vote, may refer the matter to the Chief Judge of the Superior Court of DeKalb County who may be asked to order the information released.

(6) The Commission, within budgetary limitations, shall hold such number of public meetings and hearings as the Commission deems necessary to obtain the opinions of the citizens of DeKalb County relative to the organization and functioning of the government of DeKalb County, and to inform the citizens of DeKalb County of the work of the Commission. The Commission shall hold at least one public hearing in each Commission District in DeKalb County. The Commission shall publicize the time, place, date and purpose of each such public hearing in advance of the date of such public hearing.

SECTION 3.

Membership.

(1) Because a legitimate government can exist only by the consent of the governed, it is the intention of the General Assembly that the Commission shall be composed of twenty-one citizens of DeKalb County who have been residents of DeKalb County for at least one year immediately preceding the date of taking office and who remain residents of DeKalb County while in office who shall be selected as follows:

(A) One member shall be appointed by the board of directors of Leadership DeKalb;

(B) One member shall be appointed by the DeKalb Bar Association, chosen from the attorney members of the association;

(C) One member shall be appointed by the board of directors of the DeKalb County Chamber of Commerce;

(D) One member shall be appointed by the DeKalb County branch of the NAACP;

(E) One member shall be appointed by the Chief Executive;

(F) Two members shall be appointed by a majority vote of the Board of Commissioners of DeKalb County;

(G) Five members shall be appointed by a majority vote of the DeKalb County delegation in the House of Representatives of the General Assembly, provided that each member resides in a separate regular commission district of DeKalb County and only one may be a member of the DeKalb County delegation in the House of Representatives of the General Assembly;

(H) Five members shall be appointed by a majority vote of the DeKalb County delegation in the Senate of the General Assembly, provided that each member resides in a separate regular commission district of DeKalb County and only one may be a member of the DeKalb County delegation in the Senate of the General Assembly;

(I) One member shall be appointed by the DeKalb Municipal Association;

(J) One member shall be appointed by the League of Women Voters of DeKalb;

(K) One member shall be appointed by the DeKalb Republican Party;

(L) One member shall be appointed by the DeKalb Democratic Party; and

(M) The chairs of the DeKalb County delegation of the House of Representatives and Senate shall be members ex officio.

(2) Each organization named in subparagraphs (A) through (L) of paragraph (1) of this section shall determine the manner in which said organization shall act to elect its respective member or members to the Commission; provided that each organization shall consider a prospective member's skills, knowledge, training, and experience which are directly related to the stated duties of the Commission. Each organization shall act to elect its respective member or members prior to July 1, 2016, and shall notify the respective chairs of the DeKalb County delegation in the House of Representatives and Senate of the names and addresses of those elected not later than July 1, 2016.

(3) It shall be the duty of the respective chairs of the Senate and House legislative delegations from DeKalb County to timely call a meeting of the respective delegations at the State Capitol at least one week prior to July 1, 2016, and that members of the Commission shall be selected prior to July 1, 2016.

(4) In the event any member of the Commission, without good cause, fails to attend three consecutive meetings of the Commission, the member's position on the Commission shall become vacant. After proper notice, the authority which originally elected or appointed the member shall fill the vacancy in the same manner.

(5) Members shall serve without compensation, but, subject to budgetary limitations, the Commission may authorize reimbursement for travel expenses at not more than that rate per mile at which members of the General Assembly are reimbursed.

SECTION 4.

Organization.

(1) By August 1, 2016, from the list of names and addresses submitted to the Secretary of the Senate pursuant to Section 3 of this Act, it shall be the duty of the chair of the DeKalb Senate delegation to call an organizational meeting of the Commission. The chair of the DeKalb Senate delegation shall convene the meeting and shall preside until a chairperson is elected by majority vote, which election shall be the first order of business. Upon election, the chairperson shall become the presiding officer, and shall preside over the election of a vice chair, a secretary, and such other officers as the Commission deems necessary, by majority vote.
(2) The chair shall have full authority to preside over meetings, to lead and direct the Commission and its activities, and act for the Commission when so authorized by the Commission. The vice chair shall have the same authority as the chair in the chair's absence.
(3) Ten members of the Commission shall constitute a quorum for the transaction of business. However, any recommendation from the Commission to add, eliminate, modify or change any provision of the Organizational Act must be approved by a majority of the membership of the whole Commission. No vacancy on the Commission shall impair the authority of the Commission to carry out its duties under this Act.
(4) Unless expressly provided herein to the contrary, the Commission shall have the authority to adopt by-laws, rules or regulations governing its own operation, and it may organize itself into such committees and sub-committees as it deems necessary and appropriate.

SECTION 5.
Funding, expenses, and budget.

(1) The Funds necessary for the operation of the Commission may come from funds of DeKalb County, and it is hereby declared that the expenditure of such funds is for a public purpose and for a necessary governmental function.
(2) Subject to budgetary limitations, the Commission shall be authorized to employ such staff and clerical personnel as may be necessary for it to efficiently and effectively carry out its duties and responsibilities under this Act.
(3) As soon as practicable following its organization, the Commission shall prepare a budget, showing in detail anticipated expenditures for staff, employees, rent, equipment, supplies, printing, travel and other incidental expenses. DeKalb County is requested to financially assist in the operation of the Commission during its entire period of operation. The Carl Vinson Institute is also requested to assist in the operation of the Commission. If available, funds from other public sources may be utilized.
(4) When prepared, the budget shall be submitted to the Governing Authority for approval. At any time prior to final approval, the budget may be returned to the Commission with comments. Once adopted, the budget may be amended from time

to time, if necessary, but only any such amendment must be approved by the Governing Authority.

SECTION 6.

Final report; commission abolished.

(1) The Commission shall complete its review and deliberations, and shall issue its final report to the General Assembly not later than October 1, 2017.
(2) The final report shall set forth the Commission's recommendations for modifying or revising the Organizational Act, and shall include a detailed explanation of said plan, including an explanation of the plan for implementation of all changes proposed by the Commission.
(3) A copy of the final report shall be presented to each Member of the General Assembly from DeKalb County.
(4) During the month following the issuance of its final report, the Commission shall meet at least once with the members of the General Assembly from DeKalb County. The chair of the Commission shall coordinate the date, time and place of said meetings with the chairs of the Senate and House delegations, who shall issue the formal call of said meetings to the members of the respective delegations.
(5) The Commission shall stand abolished at the end of the session of the General Assembly following the issuance of the Commission's final Report.

SECTION 7.

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

SECTION 8.

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

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

SB 425. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend an Act to provide for a new charter for the City of Ringgold, approved May 6, 2009 (Ga. L. 2009, p. 3624), so as to modify compensation and expenses, rules of procedure, a quorum, removal of the city manager, council interference with administration, and selection of the mayor and mayor pro tempore; to modify membership of boards, commissions, and authorities; to modify provisions for 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.

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

On the passage of the Bills, the ayes were 163, nays 0.

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

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

On the passage of the Bill, the ayes were 155, nays 1.

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

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

Mr. Speaker:

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

SB 234. By Senators Beach of the 21st and Albers of the 56th:

A BILL to be entitled an Act to amend an Act to supplement the salary of the judge of the Superior Courts of the Blue Ridge Judicial Circuit, approved February 8, 1950 (Ga. L. 1949-50, p. 102), as amended, particularly by an Act approved December 28, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 330), an Act approved March 2, 1966 (Ga. L. 1966, p. 119), an Act approved March 22, 1989 (Ga. L. 1989, p. 4192), an Act approved April 10, 1998 (Ga. L. 1998, p. 4447), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4415), so as to change provisions relating to the amount of compensation paid to such judges by the county comprising the Blue Ridge Judicial Circuit; to provide for annual increases in the discretion of the governing authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 424. By Senators Fort of the 39th, Tate of the 38th, Parent of the 42nd, Davenport of the 44th, Hill of the 6th and others:

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

SB 430. By Senators Thompson of the 14th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend an Act creating the office of commissioner of Bartow County, approved July 28, 1924 (Ga. L. 1924, p. 276), as amended, particularly by an Act approved April 20, 2001 (Ga. L. 2001, p. 4414), so as to change the cost-of-living adjustment for the commissioner's compensation; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 431. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

SB 432. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

SB 433. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

SB 434. By Senators Thompson of the 14th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend an Act providing for the compensation of the chief magistrate of the Magistrate Court of Bartow County, approved March 18, 1985 (Ga. L. 1985, p. 3788), as amended, particularly by an Act approved April 28, 2006 (Ga. L. 2006, p. 3817), so as to change provisions relating to cost-of-living adjustments to the compensation of the chief magistrate; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 435. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

SB 436. By Senators Thompson of the 14th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend an Act placing certain of the county officers of Bartow County upon an annual salary, approved March 21, 1958 (Ga. L. 1958, p. 2866), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 4046), so as to change provisions relating to cost-of-living adjustments to the compensation of the clerk of the superior court; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 739. By Representatives Tanner of the 9th, Dudgeon of the 25th, Brockway of the 102nd, Rice of the 95th, Harrell of the 106th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide that the state recommendation process for instructional materials and content is optional; to require a review and recommendation process for locally approved instructional materials and content; to provide for public review of proposed and approved instructional materials and content; to provide for the designation of a school system coordinator; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 775. By Representatives Ehrhart of the 36th and Meadows of the 5th:

A BILL to be entitled an Act to amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to the control of hazardous conditions, preventable diseases, and metabolic disorders, so as to provide for restrictions on the sale and dispensing of spectacles; to provide for definitions; to provide for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 777. By Representatives Dudgeon of the 25th, Coleman of the 97th and Parsons of the 44th:

A BILL to be entitled an Act to amend Code Section 40-6-165 of the Official Code of Georgia Annotated, relating to operation of school buses, so as to allow school bus drivers to use cellular telephones in a similar manner as a two-way radio; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 815. By Representatives Rhodes of the 120th, McCall of the 33rd, Broadrick of the 4th, Williams of the 119th, Knight of the 130th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to meat inspection, so as to provide for the inspection and regulation of certain avian meat products and facilities related to the processing of such products for human consumption; to provide for uniformity; to remove an obsolete provision relating to enforcement responsibility; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 951. By Representatives Nimmer of the 178th, Powell of the 171st, Abrams of the 89th, Dickey of the 140th, Smyre of the 135th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, so as to create a new exemption for admissions to major sporting events; to provide a definition; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 979. By Representatives Caldwell of the 131st, Cooper of the 43rd, Golick of the 40th, Atwood of the 179th, Lott of the 122nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to assault and battery and related offenses against persons, so as to increase the punishment for aggravated assault and aggravated battery committed upon hospital emergency department personnel and emergency medical services personnel; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1008. By Representatives Carson of the 46th, Cooper of the 43rd, Evans of the 42nd, Reeves of the 34th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3695), an Act approved May 12, 2008 (Ga. L. 2008, p. 3723), an Act approved April 10, 2014 (Ga. L. 2014, p. 4267), and an Act approved May 12, 2015 (Ga. L. 2015, p. 4063), so as to change the salary of the chief deputy clerk and the clerk of the State Court of Cobb County; to change the salary of the chief assistant solicitor of Cobb County; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1009. By Representatives Carson of the 46th, Cooper of the 43rd, Evans of the 42nd, Reeves of the 34th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3725) and an Act approved May 12, 2015 (Ga. L. 2015, p. 4046), so as to change the compensation of certain employees of such office; to repeal conflicting laws; and for other purposes.

HB 1010. By Representatives Carson of the 46th, Cooper of the 43rd, Evans of the 42nd, Reeves of the 34th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3691) and an Act approved May 12, 2015 (Ga. L. 2015, p. 4048), so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to repeal conflicting laws; and for other purposes.

HB 1033. By Representatives Evans of the 42nd, Ehrhart of the 36th, Carson of the 46th, Wilkerson of the 38th, Golick of the 40th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3732) and an Act approved May 12, 2015 (Ga. L. 2015, p. 4050), so as to change the compensation of the judge of the probate court; to change the compensation of the clerk of the probate court; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1092. By Representatives Rogers of the 10th and Gasaway of the 28th:

A BILL to be entitled an Act to repeal an Act creating the Habersham County Airport Authority, approved April 20, 2011 (Ga. L. 2011, p. 3684); to provide for the assets and encumbrances thereof; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1101. By Representative Parrish of the 158th:

A BILL to be entitled an Act to authorize the governing authority of the Board of Commissioners of Jenkins 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 Senate has passed as amended, by the requisite constitutional majority, the following bills of the House:

HB 588. By Representatives Clark of the 101st, Cooper of the 43rd, Broadrick of the 4th, Kidd of the 145th, Rynders of the 152nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to change provisions relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine; to provide for real-time tracking of sales of products containing ephedrine, norpseudoephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to revise provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 811. By Representatives Williamson of the 115th, Powell of the 171st, Brockway of the 102nd, Morris of the 156th, England of the 116th and others:

A BILL to be entitled an Act to extensively amend Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, so as to update, modernize, and streamline numerous Code sections to provide for efficient regulation of banks, trust companies, credit unions, merchant acquirer limited purpose banks, and the mortgage lending industry; to update and eliminate certain provisions to comply with federal law; to update certain provisions to comply with federal court decisions; to revise powers and duties of the Department of Banking and Finance; to delete all appearances of and references to the term "building and loan associations"; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 219. By Representatives Jones of the 167th, Atwood of the 179th and Werkheiser of the 157th:

A BILL to be entitled an Act to amend Chapter 45 of Title 31 of the Official Code of Georgia Annotated, relating to health and public swimming pools, so as to exempt certain privately owned swimming pools from inspection and

licensing requirements; to authorize inspection requests to board of health by residents or owners; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 649. By Representatives Cooper of the 43rd, Clark of the 101st, Knight of the 130th, Jones of the 53rd, Stephenson of the 90th and others:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncturists, and others, so as to require licensure of lactation consultants; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for an advisory committee; to provide for licensure application and qualifications; to provide for license renewal; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 727. By Representatives Battles of the 15th, Turner of the 21st, Parsons of the 44th, LaRiccia of the 169th and Kaiser of the 59th:

A BILL to be entitled an Act to amend Chapter 10 of Title 25 of the O.C.G.A., relating to regulation of fireworks, so as to revise provisions relating to the sale, use, or explosion thereof; to amend Chapter 60 of Title 36 of the O.C.G.A., relating to general provisions regarding local government provisions applicable to counties and municipal corporations, so as to provide for certain further regulations by counties, municipal corporations, and consolidated governments; to amend Article 7 of Chapter 13 of Title 48 of the O.C.G.A., relating to taxation of consumer fireworks, so as to provide for local excise taxation of consumer fireworks and the collection of such excise tax; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1011. By Representatives Carson of the 46th, Cooper of the 43rd, Evans of the 42nd, Reeves of the 34th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3702), an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), an Act approved April 10, 2014 (Ga. L. 2014, p. 4269), and an Act approved May 12, 2015 (Ga. L. 2015, p. 4281), so as to change the compensation of the chief deputy, the assistant chief deputy, and the executive assistant to the sheriff; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1036. By Representatives Hitchens of the 161st, Stephens of the 164th, Petrea of the 166th, Williams of the 168th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 22 of the O.C.G.A., relating to the exercise of power of eminent domain for special purposes, so as to change certain provisions relating to the exercise of power of eminent domain for construction of petroleum pipelines and the environmental permitting requirements for petroleum pipelines; to enact a temporary moratorium on the use of eminent domain for construction of petroleum pipelines and the permitting for construction of such pipelines so that a commission of elected officials and field experts can conduct a detailed study; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 234. By Senators Beach of the 21st and Albers of the 56th:

A BILL to be entitled an Act to amend an Act to supplement the salary of the judge of the Superior Courts of the Blue Ridge Judicial Circuit, approved February 8, 1950 (Ga. L. 1949-50, p. 102), as amended, particularly by an Act approved December 28, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 330), an Act approved March 2, 1966 (Ga. L. 1966, p. 119), an Act approved March 22, 1989 (Ga. L. 1989, p. 4192), an Act approved April 10, 1998 (Ga. L. 1998, p. 4447), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4415), so as to change provisions relating to the amount of compensation paid to such judges by the county comprising the Blue Ridge Judicial Circuit; to provide for annual increases in the discretion of the governing authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 424. By Senators Fort of the 39th, Tate of the 38th, Parent of the 42nd, Davenport of the 44th, Hill of the 6th and others:

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 430. By Senators Thompson of the 14th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend an Act creating the office of commissioner of Bartow County, approved July 28, 1924 (Ga. L. 1924, p. 276), as amended, particularly by an Act approved April 20, 2001 (Ga. L. 2001, p. 4414), so as to change the cost-of-living adjustment for the commissioner's compensation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 431. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 432. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 433. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 434. By Senators Thompson of the 14th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend an Act providing for the compensation of the chief magistrate of the Magistrate Court of Bartow County, approved March 18, 1985 (Ga. L. 1985, p. 3788), as amended, particularly by an Act approved April 28, 2006 (Ga. L. 2006, p. 3817), so as to change provisions relating to cost-of-living adjustments to the compensation of the chief magistrate; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 435. By Senators Thompson of the 14th and Hufstetler of the 52nd:

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 436. By Senators Thompson of the 14th and Hufstetler of the 52nd:

A BILL to be entitled an Act to amend an Act placing certain of the county officers of Bartow County upon an annual salary, approved March 21, 1958 (Ga. L. 1958, p. 2866), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 4046), so as to change provisions relating to cost-of-living adjustments to the compensation of the clerk of the superior court; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Bentley of the 139th, Carter of the 92nd, Epps of the 144th, Cheokas of the 138th, Dudgeon of the 25th, Marin of the 96th et al., Coleman of the 97th, Beverly of the 143rd, Rhodes of the 120th, Bennett of the 94th, and Kendrick of the 93rd.

Pursuant to HR 1707, the House recognized and congratulated Isiah Royal on his third consecutive state title at the GHSA State Wrestling Competition.

Pursuant to HR 1722, the House recognized and commended the University of Georgia Department of Public Administration and Policy and marked the 50th anniversary of the Masters of Public Administration Program.

Pursuant to HR 1582, the House commended Ms. Petula Samuels-Felicien.

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

Representative Buckner of the 137th et al.

By order of the Committee on Rules, the following Bill of the Senate was withdrawn from the General Calendar and recommitted to the Committee on Governmental Affairs:

SB 145. By Senator McKoon of the 29th:

A BILL to be entitled an Act to amend Code Section 31-2-3 of the Official Code of Georgia Annotated, relating to the Board of Community Health, so as to provide that at least one member of the board is also a member of the state health benefit plan; to provide that current members carry out their respective terms; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

Mr. Speaker:

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

HB 65. By Representatives Caldwell of the 20th, Ramsey of the 72nd, Teasley of the 37th, Turner of the 21st, Dudgeon of the 25th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require local boards of education and certain charter schools to hold at least two public meetings on the proposed annual operating budget; to require that a summary of the proposed and adopted annual operating budget be posted on the Internet; to require that the detailed annual operating budget be made available upon request; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 884. By Representatives Taylor of the 173rd, Atwood of the 179th, Smith of the 134th, Meadows of the 5th, Brockway of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 56 of Title 33 of the Official Code of Georgia Annotated, relating to risk-based capital levels, so as to revise the definition of company action level event to include a health organization with certain total adjusted capital levels; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SR 1038. By Senator Mullis of the 53rd:

A RESOLUTION creating the Joint Alternative Fuels Infrastructure Study Committee; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the Joint Alternative Fuels Infrastructure and Vehicles Study Committee; and for other purposes.

WHEREAS, as fuel economy and emissions standards become increasingly stringent, alternative fuels are quickly becoming an attractive alternative to traditional gasoline and diesel fuel; and

WHEREAS, vehicles fueled by alternative fuels are desirable and effective only if refueling infrastructure is readily available to meet consumer needs; and

WHEREAS, because the consumer market is not yet established, station operators are unwilling to invest in infrastructure equipment up front; and

WHEREAS, providing incentives for investors and operators to install the necessary infrastructure for the efficient refueling of vehicles powered by alternative fuels may be necessary to bring this nascent consumer market to fruition in Georgia and provide its citizens with additional options; and

WHEREAS, it would be beneficial to study how providing market incentives for installation of refueling infrastructure for alternative fuel vehicles would serve as a catalyst for the realization of cheap and clean fueling options for the public and to study

whether increased market incentives for the purchase or lease of alternative fuel vehicles may drive development of infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

(1) **Creation of joint study committee.** There is created the Joint Alternative Fuels Infrastructure and Vehicles Study Committee.

(2) **Members and officers.** The committee shall be composed of the following ten members:

(A) The President of the Senate shall appoint five members of the Senate as members of the committee and shall designate one of such members as cochairperson.

(B) The Speaker of the House of Representatives shall appoint five members of the House of Representatives as members of the committee and shall designate one of such members as cochairperson.

(3) **Powers and duties.** The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate.

(4) **Meetings.** The cochairpersons shall call all meetings of the committee. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution.

(5) **Allowances and funding.** The legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. The allowances authorized by this resolution shall not be received by any member of the committee for more than five days unless additional days are authorized. Funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the Senate and the House of Representatives.

(6) **Report.**

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

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

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

(D) In the absence of an approved report, the cochairpersons may file with the Secretary of the Senate and the Clerk of the House of Representatives copies of the minutes of the meetings of the committee in lieu thereof.

(7) **Abolishment.** The committee shall stand abolished on December 1, 2016.

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

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

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

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

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

SB 208. By Senators Ramsey, Sr. of the 43rd, Jones of the 10th, Davenport of the 44th, Henson of the 41st and Butler of the 55th:

A BILL to be entitled an Act to incorporate the City of Stonecrest in DeKalb County; to provide for a charter for the City of Stonecrest; to provide for incorporation, boundaries, and powers of the city; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
CREATION, INCORPORATION, POWERS

SECTION 1.01.
Incorporation.

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

SECTION 1.02.
Corporate boundaries.

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

SECTION 1.03.
Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.
(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical,

gas, and heating and air conditioning codes; and to regulate all housing and building trades to the extent permitted by general law;

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

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

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

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

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

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment. These ordinances shall include, without limitation, ordinances that protect, maintain, and enhance the public health, safety, environment, and general welfare and minimize public and private losses due to flood conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection. Such ordinances may require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage

at the time of initial construction; may restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; may control filling, grading, dredging, and other development which may increase flood damage or erosion; may prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; may limit the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and may protect the storm-water management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural flood plain areas;

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

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

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

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

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

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

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

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

(17) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;
(18) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices not specified in this charter, commissions, authorities, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
(19) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
(20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
(21) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
(22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, storm-water management, gasworks, electricity generating plants, cable television, internet and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;
(23) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;
(24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
(25) Planning and zoning. To provide comprehensive city planning for city land use, signage and outside advertising, and development by zoning; and to provide subdivision regulations and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community, provided that the city council shall not have the power to require special land use permits, special exceptions, or special administrative permits for the industrial use of properties within an industrial use zoning district;
(26) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency;
(27) Public hazards; removal. To provide for the destruction and removal of any building or other structure that is or may become dangerous or detrimental to the public;
(28) Public improvements. To provide for the acquisition, construction, building, operation, maintenance, or abolition of public ways, parks and playgrounds,

recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside the corporate limits of the city and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(29) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(30) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(31) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities, cable companies, and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(32) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(33) Employee benefits. To provide and maintain a retirement plan, insurance, and such other employee benefits for appointed officers and employees of the city as are determined by the city council;

(34) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;

(37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 unless either (i) the millage rate is increased above such amount by resolution of the city council without voter approval through its exercise of home rule powers, or (ii) a higher limit is recommended by resolution of the city council and approved by a majority of the qualified electors of the City of Stonecrest voting on the issue, provided that the amount of millage associated with general obligation bonds or the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum; and

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;

(38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; to inspect such vehicles and mandate standards of safety and cleanliness; and to regulate the parking of such vehicles;

(40) Tourism, conventions, and trade shows. To provide for the structure, operation, or management of the Stonecrest Convention and Visitors Bureau created pursuant to Section 1.05 of this charter and to authorize the City of Stonecrest to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.04.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Act. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

SECTION 1.05.

Tourism, conventions, and trade shows.

The Stonecrest Convention and Visitors Bureau is hereby created.

SECTION 1.06.

Stonecrest/Lithonia Industrial Park Community Improvement District.

(a) The purpose of this section is to provide for the creation of a community improvement district within the City of Stonecrest subject to the conditions prescribed in Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating such district, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors as defined in this section:

(1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;

(2) Parks and recreational areas and facilities;

(3) Stormwater and sewage collection and disposal systems;

(4) Development, storage, treatment, purification, and distribution of water;

(5) Public transportation;

(6) Terminal and dock facilities and parking facilities; and

(7) Such other services and facilities as may be provided for by general law.

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

(1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops and fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.

(2) "Board" means the governing body created for the governance of the community improvement district authorized by this section.

(3) "Caucus of electors" means the meeting of electors as provided in this section at which the elected board members of the district are elected or at which the governmental services and facilities to be provided by the district are determined. A quorum at such caucus shall consist of no less than 25 percent of electors and no less than 25 percent of equity electors present in person or proxy, and a majority of those present and voting shall be necessary to take any action. Notice of such meeting shall be given to such electors and equity electors by publishing notice thereof in the legal

organ of the City of Stonecrest at least once each week for four weeks prior to such meeting.

(4) "Cost of the project" or "cost" of any project means and includes:

(A) All costs of acquisition by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project;

(B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment including all transportation equipment and rolling stock, furniture, and other property used in or in connection with or necessary for any project;

(C) All financing charges and loan fees and all interest on bonds, notes, or other obligations of a district which accrue or are paid prior to and during the period of construction of a project and during such additional period as the board may reasonably determine to be necessary to place such project in operation;

(D) All costs of engineering, surveying, architectural, and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;

(E) All expenses for inspection of any project;

(F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuances of any bonds, notes, or other obligations for any project;

(G) All expenses of or incidental to determining the feasibility or practicability of any project;

(H) All costs of plans and specifications for any project;

(I) All costs of title insurance and examinations of title with respect to any project;

(J) Repayment of any loans made for the advance payment of any part of the foregoing costs, including interest thereon and any other expenses of such loans;

(K) Administrative expenses of the board and such other expenses as may be necessary for or incidental to any project or the financing thereof or the placing of any project in operation; and

(L) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any bonds, notes, or other obligations of the district may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of bonds, notes, or other obligations issued by the district.

(5) "District" means the geographical area designated as such by the resolution of the city council consenting to the creation of the community improvement district or as thereafter modified by any subsequent resolution of the city council within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.

(6) "Electors" means the owners of real property used nonresidentially within the district which is subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of DeKalb County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing. An owner of property that is subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority. An owner of multiple parcels has one vote, not one vote per parcel, for an election based on numerical majority. Multiple owners of one parcel have one vote for an election based on numerical majority which must be cast by one of their number who is designated in writing.

(7) "Equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property", with reference to taxes, fees, and assessments levied by the board, means that the burden of the taxes, fees, and assessments shall be apportioned among the properties subject thereto based upon the values established in the most recent ad valorem tax reassessment of such properties certified by the chairperson of the DeKalb County Board of Tax Assessors, or with respect to fees and assessments may be apportioned among the properties subject thereto in direct or approximate proportion to the receipt of services or benefits derived from the improvements or other activities for which the taxes, fees, or assessments are to be expended, or with respect to fees and assessments may be apportioned in any other manner or combination of manners deemed equitable by the board, including, but not limited to, the recognition of differential benefits which may reasonably be expected to accrue to new land development in contrast to lands and improvements already in existence at the time of creation of the community improvement district.

(8) "Equity electors" means electors who cast votes equal to each $1,000.00 in value of all owned real property within the district which is then subject to taxes, fees, and assessments levied by the board. The value of real property shall be the assessed value. In the event the owner shall have multiple owners or be a corporation, trust, partnership, limited liability company, or any other entity, one person shall be designated as elector and such designation shall be made in writing.

(9) "Forestry" means the planting and growing of trees for sale in a program which includes reforestation of harvested trees, regular underbrush and undesirable growth clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree-farming operation. It does not include the casual growing of trees on land otherwise idle or held for investment, even though some harvesting of trees may occur thereon.

(10) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements, including operation of facilities or other improvements, located or to be located within or otherwise providing service to the district and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement; the creation, provision, enhancement, or supplementing of public services such as fire, police, and other services, provided that same do not conflict with or duplicate existing public services; and all for the essential public purposes set forth in subsection (a) of this section.

(11) "Property owner" or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of DeKalb County within the district. Ownership as shown by the most recent ad valorem real property tax records of DeKalb County shall be prima-facie proof of ownership. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.

(12) "Property used nonresidentially" means property or any portion thereof used for neighborhood shopping, planned shopping center, general commercial, transient lodging facilities, tourist services, office or institutional, office services, light industry, heavy industry, central business district, parking, or other commercial or business use or vacant land zoned or approved for any of the aforementioned uses which do not include residential.

(13) "Residential" means a specific work or improvement undertaken primarily to provide single-family or multifamily dwelling accommodations for persons and families and such community facilities as may be incidental or appurtenant thereto.

(14) "Taxpayer" means an entity or person paying ad valorem taxes on real property whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.

(c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created an administrative body being one community improvement district to be located wholly within the City of Stonecrest, to be known as the Stonecrest/Lithonia Industrial Park Community Improvement District, provided that the creation of the community improvement district shall be conditioned upon:

(1) The adoption of a resolution consenting to the creation of the community improvement district by the City of Stonecrest city council; and

(2) The written consent to the creation of the community improvement district by:

(A) A majority of the owners of real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and

(B) The owners of real property within the district which constitutes at least 75 percent by value of all real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district. For this purpose, value shall be determined by the most recent approved DeKalb County ad valorem tax digest.

The written consent provided for in this paragraph shall be submitted to the tax commissioner of DeKalb County, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each such proposed district.

Neither the community improvement district nor the administrative body created pursuant to this section shall transact any business or exercise any powers under this section until the foregoing conditions are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of the district activated under this section, and filed with the Department of Community Affairs.

(d) Administration, appointment, and election of the members of the administrative body.

(1) The district created pursuant to this section shall be administered by a board composed of seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the city council. Two board members shall be elected by the vote of electors, and three members shall be elected by the vote of equity electors. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member shall receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and 5 shall be cast by equity electors. The initial term of office for the members representing Posts 1 and 4 shall be one year. The initial term of office for the members representing Posts 2 and 5 shall be two years, and the initial term of office of the members representing Post 3 shall be three years. Thereafter, all terms of office for the elected board members shall be for three years. The appointed board members shall serve at the pleasure of the city council.

(2) The initial board members to be elected as provided in subsection (a) of this section shall be elected in a caucus of electors which shall be held within 90 days after the adoption of the resolutions and obtaining the written consents herein provided at such time and place within the district as the city council shall designate after notice thereof shall have been given to said electors by publishing same in the legal organ of the City of Stonecrest. Thereafter, there shall be conducted biennially, not later than 60 days following the last day for filing ad valorem real property tax returns in DeKalb County, a caucus of electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those board member positions whose terms expire or are vacant. If a vacancy occurs

in an elected position on the board the board shall, within 60 days thereof, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called.

(3) Board members shall be subject to recall as any other elected public official by the electors defined by this section.

(4) Board members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses actually incurred in the performance of their duties. They shall elect one of their number as chairperson and another of their number as vice chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer, either of whom may, but need not, be a member of the board or an elector.

(5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to the election of district board members. The district board may adopt such bylaws not inconsistent herewith to provide for any matter concerning such elections.

(e) Taxes, fees, and assessments.

(1) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent of the aggregate assessed value of all such real property. The taxes, fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes shall bear the same interest and penalties as DeKalb County taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not more than $25,000.00 at any one calendar year, shall be transmitted by DeKalb County to the board and shall be expended by the board only for the purposes authorized by this section.

(2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify in writing DeKalb County so it may include the levy on its regular ad valorem tax bills. All taxes, fees, and assessments levied by the board and collected by DeKalb County shall be segregated, and neither the City of Stonecrest nor the

DeKalb County Tax Commissioner shall expend such funds for any purpose not authorized by the board except as authorized in subsection (a) of this section.

(3) If, but for this provision, a parcel of real property is removed from the district or otherwise would become not subject to taxation, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until said bonded indebtedness then outstanding is paid or refunded.

(4) Each property owner paying taxes, fees, or assessments levied by the board for any public facility as set forth in subsection (a) of this section may, upon application to the city council, receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by the City of Stonecrest against such property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the "Georgia Development Impact Fee Act." Application for such development impact fee credit may be granted by legislative action of the city council in its discretion.

(f) Boundaries of the district.

(1) The boundaries of the district shall be as designated as such by the city council as set forth in the resolution required in subsection (c) of this section, or as may thereafter be added as provided in this section.

(2) The boundaries of the district may be increased after the initial creation of the district pursuant to the following:

(A) Written consent of a majority of the owners of real property within the area sought to be annexed into the district and which will be subject to taxes, fees, and assessments levied by the board of the district;

(B) Written consent of owners of real property within the area sought to be annexed into the district which constitutes at least 75 percent by value of the property which will be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest;

(C) The adoption of a resolution consenting to the annexation into the district by the board of the district; and

(D) The adoption of a resolution consenting to the annexation into the district by the city council.

(g) Debt. Except as otherwise provided in this section, each district may incur debt without regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any other provision of law, prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of the State of Georgia, which debt shall be backed by the full faith and credit and taxing power of the district but shall not be an obligation of the State of Georgia, DeKalb County, the City of Stonecrest, or any other unit of government of the State of Georgia other than the district.

(h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant to this section shall be provided for in a cooperation agreement executed jointly by the board and by the City of Stonecrest. The provisions of this section shall in no way limit the authority of the City of Stonecrest to provide services or facilities within the

district; and the City of Stonecrest shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Such control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein.

(i) Powers.

(1) The district and its board created pursuant hereto shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, without limiting the generality of the foregoing, the power:

(A) To bring and defend actions;

(B) To adopt and amend a corporate seal;

(C) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the board or to further the public purposes for which the district is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects contracts with respect to the use of projects, and agreements with other jurisdictions of community improvement districts regarding multi-jurisdictional projects or services or for other cooperative endeavors to further the public purposes of the district;

(D) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purposes of the district;

(E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and to pay the cost of any project from the proceeds of the district or any other funds of the district, or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the board is authorized to receive, accept, and use;

(F) To borrow money to further or carry out its public purposes and to execute bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its bonds, notes or other obligations, loan agreements, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;

(G) To issue bonds, notes, or other obligations of the district and use the proceeds for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes;

(H) To make application directly or indirectly to any federal or county government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, or county government or agency or other source;
(I) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the district;
(J) To contract for any period, not exceeding 50 years, with the State of Georgia, any institution or instrumentality of the State of Georgia, or any municipal corporation, county, or political subdivision of this state for the use by the district of any facilities or services of the state or any such institution or instrumentality of this state or any municipal corporation, county, or political subdivision of this state, or for the use by any institution or instrumentality of this state, any municipal corporation, county, or political subdivision of this state of any facilities or services of the district, provided that such contracts shall deal with such activities and transactions as the district and any such political subdivision with which the district contracts are authorized by law to undertake;
(K) To receive and use the proceeds of any tax levied by the county to pay the costs of any project or for any other purpose for which the board may use its own funds pursuant hereto;
(L) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;
(M) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be the best advantage of the district and the public purposes thereof;
(N) To appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;
(O) To encourage and promote the improvement and development of the district and to make, contracts for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with DeKalb County and the City of Stonecrest;
(P) To adopt bylaws governing the conduct of business by the board, the election and duties of officers of the board, and other matters which the board determines to deal with in its bylaws;
(Q) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purposes of the district;
(R) To invest its funds, whether derived from the issuance of bonds or otherwise, in such manner as it may deem prudent and appropriate, without further restriction;

(S) To create, provide, enhance, or supplement public services such as fire, police, and other such services as may be deemed necessary, provided that said public services do not conflict with or duplicate existing DeKalb County or municipal services; and

(T) To do all things necessary or convenient to carry out the powers conferred by this section.

(2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are cumulative of and in addition to those powers enumerated in this subsection and elsewhere in this section; and no such power limits or restricts any other power of the board.

(3) The powers enumerated in each subparagraph of paragraph (1) of this subsection are conferred for an essential governmental function for a public purpose, and the revenues and debt of any district shall not be subject to taxation.

(j) Bonds-Generally.

(1) Notes or other obligations issued by a district other than general obligation bonds shall be paid solely from the property pledged to pay such notes or other obligations. General obligation bonds issued by any district shall constitute a general obligation of the district to the repayment of which the full faith and credit and taxing power of the district shall be pledged.

(2) All bonds, notes, and other obligations of any district shall be authorized by resolution of the board, adopted by a majority vote of the board members at a regular or special meeting.

(3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors.

(4) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted by this section. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

(5) There shall be no limitation upon the interest rates or any maximum interest rate or rates on any bonds, notes, or other obligations of any district, and the usury laws of this state shall not apply to bonds, notes, or other obligations of any district.

(6) Bonds issued by a district may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.

(7) All bonds issued by a district pursuant to this section shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of DeKalb County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the judgment of validation and shall be received as original evidence in any court in this state.

(8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the maturities of such bonds, the notice to the district attorney or the Attorney General; the notice to the public of the time, place, and date of the validation hearing; and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise change from time to time so specified and that the principal amount will not exceed a specified amount and the final maturity date will not be later a date specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate which may be fixed or may fluctuate or otherwise change from time to time so specified; provided, however, that nothing in this subsection shall be construed as prohibiting or restricting the right of a board to sell such bonds at a discount, even if in doing so the effective interest cost resulting would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

(9) The terms "cost of the project" and "cost of any project" shall have the meaning prescribed in this section whenever those terms are referred to in bond resolutions of a board; in bonds, notes, or other obligations of the district; or in notices or proceedings to validate such bonds, notes, or other obligations of a district.

(k) Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes, and other obligations; subsequent issues of obligations.

(1) Subject to the limitations and procedures provided by this section and by subsection (j) of this section, the agreements or instruments executed by a board may contain such provisions not inconsistent with law as shall be determined by the board.

(2) The proceeds derived from the sale of all bonds, notes, and other obligations issued by a district shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted by this section, all or part of the cost of any project, or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this section.

(3) Issuance by a board of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; but the

proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

(4) In the event that the district shall be terminated in accordance with this section, the board shall serve until December 31 of the year in which termination shall be approved for the purpose of concluding any ongoing matters and projects, but, if such cannot be concluded by December 31, then the city council shall assume the duties of the administrative board and shall be expressly authorized to exercise the authority of the administrative board. In the alternative, the city council may, by resolution, assume all rights and obligations of the district, either bonds or otherwise, and the district shall cease to exist upon the adoption of such resolution.

(l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008"; notice, proceeding, publication, referendum. This section shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of bonds, notes, or other obligations by a district shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No notice, proceeding, or publication except those required in this section shall be necessary to the performance of any action authorized hereby, nor shall any such action be subject to referendum.

(m) Dissolution.

(1) Any district activated under the provisions of this section may be dissolved. The conditions for such dissolution shall be:

(A) The adoption of a resolution approving of the dissolution of the community improvement district by the city council; and

(B) The written consent to the dissolution of the community improvement district by:

(i) Two-thirds of the owners of real property within the district which are subject to taxes, fees, and assessments levied by the board of the district; and

(ii) The owners of real property constituting at least 75 percent by value of all real property within the district which are subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

The written consent provided for in this subparagraph shall be submitted to the DeKalb County Tax Commissioner, who shall certify whether divisions (i) and (ii) of this subparagraph have been satisfied with respect to each proposed district dissolution.

(2) In the event that successful action is taken pursuant to this subsection to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until

the dissolution becomes effective, no new projects may be undertaken, obligations or debts incurred, or property acquired.

(3) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in subsection (a) of this section, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to DeKalb County.

(4) When a dissolution becomes effective, the City of Stonecrest shall take title to all property previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

SECTION 2.01.

City council creation; number; election.

(a) The legislative authority of the government of the City of Stonecrest, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member.

(b)(1) The city council of Stonecrest, Georgia, shall consist of five members plus the mayor.

(2) There shall be five council districts, designated Council Districts 1 through 5, as described in Appendix B of this Act, which is attached to and made a part of this charter.

(3) One councilmember shall be elected from each of the five council districts and shall hold Council District Posts 1, 2, 3, 4, and 5, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council post obtains a majority vote of the qualified electors of the council district voting in the election, a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post shall be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district he or she seeks to represent.

(c) With the exception of the initial terms set forth in subsection (d) of this section, councilmembers shall be elected to terms of four years and until their successors are elected and qualified on a staggered basis in alternate election cycles.

(d) In order to assure staggered elections of the councilmembers, in the first election of the city council, the terms for the candidates elected for Council District Posts 1, 3, and 5 shall expire upon the administration of the oath of office to their successors elected in the

regular elections held in November, 2017. The terms for the candidates elected for Council District Posts 2 and 4 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2019. Thereafter, a successor to each councilmember shall be elected at the November election immediately preceding the end of such councilmember's term of office and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

(e) With the exception of the initial term of office, the mayor of the City of Stonecrest, with the powers and duties specified herein, shall be elected to a term of four years and until his or her successor is elected and qualified. The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city. In the event that no candidate for mayor obtains a majority vote of the qualified electors of the city at large voting at the elections of the city, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election shall be included in the run-off election and the candidate receiving the highest number of votes in the runoff of the qualified electors of the city at large voting at such runoff shall be elected. The term of the first elected mayor shall expire upon the administration of the oath of office to his or her successor elected in the regular election held in November, 2019, as provided in subsection (b) of Section 2.02 of this charter. Thereafter, the successor to each mayor shall be elected at the November election immediately preceding the end of such mayor's term of office and the term of each mayor shall expire upon the administration of the oath of office to his or her successor.

SECTION 2.02.

Mayor and councilmembers; terms and qualifications for office.

(a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Stonecrest for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.

(b) An election shall be held in conjunction with the 2016 November general election to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections

shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2021.
(c) The number of successive terms an individual may hold a position as mayor or as a councilmember shall be unlimited.

SECTION 2.03.
Vacancy; filling of vacancies; suspensions.

(a) Elected officials of the city shall not hold other elected or public offices. The elected offices of the city's government shall become vacant upon the member's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:
(1) Violating the provisions of this charter;
(2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or
(3) Failing to attend one-third of the regular meetings of the council in a three-month period without being excused by the council.
(b) The office of mayor shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor.
(c) The office of a councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall appoint a successor for the remainder of the term subject to the approval of the city council or those members remaining. This provision shall also apply to a temporary vacancy created by the suspension from office of a councilmember.

SECTION 2.04.
Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

SECTION 2.05.
Election votes.

The candidates for mayor and city council who receive a majority vote of the qualified electors of the city pursuant to Section 2.01 of this charter at the elections of the city shall be elected to a term of office.

SECTION 2.06.
Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate including, but not limited to, the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

SECTION 2.07.
Compensation and expenses.

The annual salary of the mayor shall be $20,000.00 and the annual salary for each councilmember shall be $15,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of $5,000.00 and each councilmember shall be provided an annual expense allowance of $3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city.

SECTION 2.08.
Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.09.
Meetings, oath of office, and mayor pro tempore.

(a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the

mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor, as the case may be] of the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Stonecrest for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold the position of mayor pro tempore shall be unlimited.

(c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by a majority of the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described herein and shall perform the mayor's duties in the same manner as the mayor pro tempore.

(d) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(e) Special meetings of the city council may be held on the call of either the mayor and one councilmember or three councilmembers. Notice of such special meetings shall be delivered to all councilmembers, the mayor, and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice of any special meeting may be waived by the mayor, a councilmember, or the city manager in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the notice may be transacted at the special meeting.

SECTION 2.10.

Quorum; voting.

(a) Four councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. The mayor shall be counted toward the making of a quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure shall receive at least three affirmative votes and shall receive the affirmative votes of a majority of those voting. Neither any councilmember nor the mayor shall abstain from voting on any matter properly brought before the city council for official action except when such councilmember has a reason which is disclosed in writing prior to or at the meeting and made a part of the minutes. The mayor and each councilmember when present at a meeting shall have one vote on all matters brought before the council.

(b) The following types of actions require an ordinance in order to have the force of law:

(1) Adopt or amend an administrative code or establish, alter, or abolish a department, office not specified in this charter, or agency;
(2) Provide for fine or other penalty;
(3) Levy taxes;
(4) Grant, renew, or extend a franchise;
(5) Regulate a rate for a public utility;
(6) Authorize the borrowing of money;
(7) Convey, lease, or encumber city land;
(8) Regulate land use and development; and
(9) Amend or repeal an ordinance already adopted.

(c) The city council shall establish by ordinance procedures for convening emergency meetings. In an emergency, an ordinance may be passed without notice or hearings if the city council passes the ordinance by three-fourths' vote; provided, however, that the city council cannot in an emergency meeting:

(1) Levy taxes;
(2) Grant, renew, or extend a franchise;
(3) Regulate a rate for a public utility; or
(4) Borrow money.

SECTION 2.11.

General power and authority of the city council.

(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Stonecrest as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort,

convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.12.
Administrative and service departments.

(a) Except for the office of city manager and the elected positions provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.
(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and city council.

SECTION 2.13.
Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others, except as required by law;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged. "Valuable" shall be an amount

determined by the city council; provided, however, that the amount shall not exceed $100.00;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she, or members of his or her immediate family, has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. "Private financial interest" shall include interests of immediate family. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the city council shall hold any other elective governmental office or be employed by any city or county government during the term for which elected.

SECTION 2.14.

Boards, commissions, and authorities.

(a) All members of boards, commissions, and authorities of the city shall be residents of the city and appointed by the mayor subject to confirmation by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law.

(b) No member of any board, commission, or authority of the city shall hold any elective office in the city or DeKalb County. However, up to two members of the city council, including the mayor, may be appointed by the Mayor to serve as ex officio members of such boards, commissions, or authorities, without a vote for a term expiring December 31 following the date of appointment.

(c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by this charter or any applicable law of the State of Georgia. (d) No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the city council and administered by the mayor or a judicial officer authorized to administer oaths.

(e) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the councilmembers in accordance with state laws.

(f) Members of boards, commissions, and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

(g) Except as otherwise provided by this charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances of the city, or applicable state law as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the designated officer of the city.

SECTION 2.15.

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this charter.

(b) The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise, are intended as mere catchwords to indicate the contents of the section, and:

(1) Shall not be deemed or taken to be titles of such sections or as any part of the section; and

(2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.

Furthermore, the chapter, article, and section headings contained in this Act shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, or section hereof.
(c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business and those in attendance of its meetings, including procedures and penalties for compelling the attendance of absent councilmembers. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

SECTION 2.16.
Submission of ordinances to the city clerk.

(a) Every ordinance, resolution, and other action adopted by the city council shall be presented to the city clerk within 15 days of its adoption or approval. The city clerk shall record upon the ordinance the date of its delivery from the city council.
(b) An ordinance or resolution that has been passed by the city council shall become effective on the date the ordinance is passed by the city council or on such other date as may be specified in the ordinance.

ARTICLE III
EXECUTIVE BRANCH
SECTION 3.01.
Powers and duties of the mayor.

(a) The mayor shall:
(1) Preside over all meetings of the city council;
(2) Set the agenda for meetings of the city council after receiving input from members of the city council, the city manager, and the public; provided, however, that an additional item shall be added to the agenda upon the written request of any two members of the city council;
(3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
(4) Sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
(5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council;
(6) Vote in all matters before the city council as provided in subsection (a) of Section 2.10 of this charter;
(7) Make all appointments of city officers as provided by this charter, subject to confirmation by the city council;
(8) Provide supervision and guidance to the city manager;

(9) Establish oversight and policy committees of the city council and appoint no less than two council members, exclusive of the mayor, to serve thereon, subject to the direction and supervision of the mayor;

(10) Serve and be compensated accordingly; and

(11) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.

(b) The mayor shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit, but only with approval of the city council.

(c) The mayor shall have the authority to certify that a supplemental appropriation is possible if revenue increases in excess of the amount budgeted, but only with approval of the city council.

(d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this charter regardless of whether such powers are enumerated in this section of this charter.

(e) The mayor may designate the official legal organ of the city subject to confirmation by the city council.

SECTION 3.02.

City manager; appointment and qualification.

The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be the "city manager." The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management. The city manager need not be a resident of the City of Stonecrest.

SECTION 3.03.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the city. The city manager shall devote all of his or her working time and attention to the affairs of the city and shall be supervised and guided by the mayor and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which such officer has jurisdiction.

SECTION 3.04.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

(1) See that all laws and ordinances are enforced;

(2) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this charter are

appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;
(3) Remove employees appointed and employed under paragraph (2) of this section, without the consent of the city council and without assigning any reason therefor;
(4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the city council except as otherwise provided in this charter;
(5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chairperson; provided, however, that regardless of the decision of the meeting chairperson, the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;
(6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;
(7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
(8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council; (9) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;
(10) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, no less than 60 days prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;
(11) Keep the city council at all times fully advised as to the financial condition and needs of the city;
(12) Make a full written report to the city council on the fifteenth of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the city clerk;
(13) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

(14) Perform such other duties as may be prescribed by this charter or required by ordinance or resolution of the city council.

SECTION 3.05.
City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter or as provided in Sections 3.01 and 3.03 of this charter, neither the city council nor its members shall interfere with the performance of services by or give orders to any such officer or employee, either publicly or privately.

SECTION 3.06.
City manager; removal.

(a) The mayor or the city council may remove the city manager from office in accordance with the following procedures:

(1) The mayor by proclamation or the city council by resolution by affirmative vote of a majority of all its members may remove the city manager from office after a suspension of the city manager from duty for a period not to exceed 45 days. A copy either such proclamation of the mayor or the resolution of the city council shall be delivered promptly to the city manager;

(2) Within five days after a copy of such proclamation or resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing and a reconsideration of the removal. This hearing shall be held at a city council meeting especially set for such purpose not earlier than 15 days nor later than 30 days after the request is filed. The city manager may file with the city council a written reply to the removal not later than five days before the hearing; and

(3) If the city manager either (i) does not request a public hearing and a reconsideration of the removal five days from the date when a copy of such proclamation or resolution was delivered to the city manager; or, (ii) if after the conclusion of the public hearing requested by the city manager for reconsideration of the removal, the city council does not pass a resolution either reversing the action of the mayor or rescinding its resolution of removal, the city manager's removal shall be effective as of such date without further action by the city council.

(b) Unless either the mayor's action removing the city manager or the resolution of removal of the city manager is rescinded by majority of the members of the city council at the public hearing held at the request of city manager pursuant to this section, the city manager shall continue to receive his or her salary until the effective date of his or her removal.

(c) If the city manager is suspended in accordance with subsection (a) of this section or becomes disabled and is unable to carry out the duties of the office or if the city manager dies, the acting city manager shall perform the duties of the city manager until the city manager's disability is removed or until the city manager is replaced. Removal of the city

manager because of disability shall be carried out in accordance with the provisions of subsection (a) of this section.

SECTION 3.07.
Acting city manager.

(a) The mayor with the approval of the city council may appoint any person to exercise all powers, duties, and functions of the city manager during the city manager's suspension under subsection (a) of Section 3.06 of this charter, temporary absence from the city, or during the city manager's disability.
(b) In the event of a vacancy in the office of city manager, the mayor may designate with the approval of the city council a person as acting city manager, who shall exercise all powers, duties, and functions of the city manager until a city manager is appointed.

SECTION 3.08.
City attorney.

The mayor shall appoint the city attorney together with such assistant city attorneys or special city attorneys as may be deemed appropriate subject to confirmation by the city council and shall provide for the payment of such attorneys for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city unless authorized by resolution of the city council.

SECTION 3.09.
City clerk.

The mayor shall appoint a city clerk subject to confirmation by the city council to keep a journal of the proceedings of the city council, to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such duties as may be required by law or ordinance or as the mayor or city manager may direct.

SECTION 3.10.
Tax collector.

The mayor may appoint a tax collector subject to confirmation by the city council to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the

provisions of this charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

SECTION 3.11.
City accountant.

The mayor may appoint a city accountant subject to confirmation by the city council to perform the duties of an accountant.

SECTION 3.12.
City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council, but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with:

(1) The provisions of this charter;
(2) The applicable city budget; and
(3) Applicable ordinances, resolutions, or other actions duly adopted or approved under the provisions of this charter.

SECTION 3.13.
Consolidation of functions.

The city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

SECTION 3.14.
Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for approval. Said plan may apply to all employees of the City of Stonecrest and any of its agencies and offices. When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of such pay plan duly

adopted by the city council. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV
MUNICIPAL COURT
SECTION 4.01.
Creation.

There is established a court to be known as the Municipal Court of the City of Stonecrest which shall have jurisdiction and authority to try offenses against the laws and ordinances of such city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before such court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Such court shall be presided over by the judge of such court. In the absence or disqualification of the judge, the judge pro tempore shall preside and shall exercise the same powers and duties as the judge when so acting.

SECTION 4.02.
Judges.

(a) No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of three years. The judges shall be nominated by the mayor subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.
(b) The judge pro tempore shall serve as requested by the judge, shall have the same qualifications as the judge, shall be nominated by the mayor subject to approval of the city council, and shall take the same oath as the judge.
(c) Before entering on the duties of his or her office, the judge and judge pro tempore shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.
(d) The judge, or judge pro tempore, shall serve for a term of four years but may be removed from the position by a two-thirds' vote of the entire membership of the city council or shall be removed upon action taken by the state Judicial Qualifications Commission for:

(1) Willful misconduct in office;
(2) Willful and persistent failure to perform duties;
(3) Habitual intemperance;
(4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
(5) Disability seriously interfering with the performance of duties, which is or is likely to become of a permanent character.

SECTION 4.03.
Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

SECTION 4.04.
Jurisdiction; powers.

(a) The municipal court shall try and punish for crimes against the City of Stonecrest and for violation of its ordinances. The municipal court may fix punishment for offenses within its jurisdiction to the fullest extent allowed by state law.
(b) The municipal court shall have authority to recommend to the city council for approval a schedule of fees to defray the cost of operation.
(c) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so deposited shall have a lien against it for the value forfeited.
(d) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.
(e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of said court.
(f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena, and warrants which may be served as executed by any officer as authorized by this charter or by state law.
(g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Stonecrest granted by state laws

generally to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

SECTION 4.05.
Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of DeKalb County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari, as supplemented by the city council by ordinance.

SECTION 4.06.
Rules for court.

With the approval of the city council, the judges shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

ARTICLE V
FINANCE AND FISCAL
SECTION 5.01.
Fiscal year.

The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

SECTION 5.02.
Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 5.03.
Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but no later than the first day of the tenth month of the fiscal year currently ending, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message

from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, capital budget, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

(b) Beginning in the third year of the city's operation, the city manager and mayor are required to present to the city council a budget which is balanced in projected spending and revenues.

(c) Prior to passage of the budget, the city council shall hold a special public hearing at which the budget will be presented and public comment on the budget will be solicited. The date, time, and place of the special public hearing shall be announced no less than 30 days prior to the scheduled date for such hearing.

(d) All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made. When a supplemental appropriation is certified by the city manager to exist, these appropriations may be spent during the current fiscal year following passage of a supplemental appropriation ordinance.

SECTION 5.04.

Action by city council on budget.

(a) The city council may amend the operating budget or capital budget proposed by the city manager in accordance with subsection (a) of Section 5.03 of this charter, except that the budget, as finally amended and adopted, shall provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues constituting the fund availability of such fund.

(b) The city council shall adopt a budget on or before the first day of the eleventh month of the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed deadline, the operating budget and capital budget proposed by the mayor and city manager shall be adopted without further action by the city council.

SECTION 5.05.

Procurement and property management.

No contract with the city shall be binding on the city unless it is in writing. The city council may adopt procedures for the authorization of certain contracts without city attorney review or city council approval. Absent the foregoing, no contract with the city shall be binding on the city unless:

(1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.

SECTION 5.06.
Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 5.07.
Audits.

(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.
(b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

SECTION 5.08.
Homestead exemption; freeze.

(a) As used in this section, the term:
(1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.
(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.
(b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or removed from the homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply only to taxable years 2017 through 2019. Unless renewed or extended by subsequent Act of the General Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable year 2020 or any subsequent taxable year.

SECTION 5.09.

Homestead exemption; senior citizens; disabled.

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

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum

amount authorized to be paid to an individual and such individual's spouse under the federal Social Security Act. Income from such sources in excess of such maximum amount shall be included as income for the purposes of this Act.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Stonecrest who is disabled or is a senior citizen is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount of $14,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead, does not exceed $15,000.00 for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section due to being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of such physician or physicians, such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead

exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

SECTION 5.10.

Homestead exemption; general.

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

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount of $10,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

SECTION 5.11.

Homestead exemption; surviving spouses.

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

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Unremarried surviving spouse" of a member of the armed forces means the unmarried widow or widower of a member of the armed forces who is receiving spousal benefits from the United States Department of Veterans Affairs.

(b) Any person who is a resident of the City of Stonecrest and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all City of Stonecrest ad valorem taxation for municipal purposes in the amount of the greater of $32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 2013, the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, is $50,000.00. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.

(c) In order to qualify for the exemption provided for in this Act, the unremarried surviving spouse shall furnish to the governing authority of the City of Stonecrest, or the designee thereof, documents from the Secretary of Defense evidencing that such unremarried surviving spouse receives spousal benefits as a result of the death of such person's spouse who as a member of the armed forces of the United States was killed or died as a result of a war or armed conflict while on active duty or while performing authorized travel to or from active duty during such war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal law which provides survivor benefits for spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.

(d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of Stonecrest, or the designee thereof, information relative to marital status and other such information which the governing authority of the City of Stonecrest, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of Stonecrest or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing authority of the City of Stonecrest or the designee thereof may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for such exemption.

(e) The exemption granted by this section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for municipal purposes which is equal to or lower in amount than such exemption granted by this section. If the amount of any other exemption from ad valorem taxation for municipal purposes applicable to any resident qualifying under this section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this section.

(f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2017.

SECTION 5.12.

Homestead exemption; one mill equivalent.

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

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest or the designee thereof giving such information relative to receiving such exemption as will enable the governing authority of the City of

Stonecrest or the designee thereof to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Stonecrest or the designee thereof shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

ARTICLE VI
GENERAL PROVISIONS

SECTION 6.01.

DeKalb County special services tax district.

For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax millage rate and amount for service charges or fees for and DeKalb County special services tax district within the boundaries of the City Stonecrest shall be 0 percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb County for the City of Stonecrest will be established through intergovernmental agreements or established as otherwise authorized by statute.

SECTION 6.02.

Referendum and initial election.

(a) The election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Stonecrest

for approval or rejection. The superintendent shall set May 24, 2016, as the date of such election. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of Stonecrest in DeKalb County according to the charter contained in the Act and the homestead
( ) NO exemptions described in the Act be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of Stonecrest shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Stonecrest to be held in conjunction with and on the date of the 2016 November general election, the qualified electors of the City of Stonecrest shall be those qualified electors of DeKalb County residing within the corporate limits of the City of Stonecrest as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of Stonecrest shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of Stonecrest to be held on the date of the 2016 November general election, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of Stonecrest and the powers and duties of the governing authority of the City of Stonecrest.

SECTION 6.03.

Effective dates and transition.

(a) The initial mayor and councilmembers shall take the oath of office the next business day after certification of the election of such officers, and by action of any four members of the governing authority may meet and take actions binding on the city.

(b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of Stonecrest. Accordingly there shall be a

two-year transition period as allowed by law beginning at 12:01 A.M. on January 1, 2017. (c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided in 2016 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' prior written notice to the governing authority of DeKalb County by the governing authority of the City of Stonecrest, responsibility for any such service or function shall be transferred to the City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the city and the date upon which the City of Stonecrest is considered removed from the special services tax district.
(d) During the transition period, the governing authority of the City of Stonecrest may generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.
(e) During the transition period, all ordinances of DeKalb County shall remain applicable within the territorial limits of the city unless otherwise amended, repealed, or replaced by the City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb County.
(f) During the transition period, the governing authority of the City of Stonecrest may at any time, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Stonecrest commencing to exercise its planning and zoning powers, the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.
(g) Effective upon the termination of the transition period, subsections (b) through (f) of this section shall cease to apply except for the last sentence of subsection (e) which shall remain effective. Effective upon the termination of the transition period, the City of Stonecrest shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 6.04.

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any

delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable but not later than 45 days after there is no further cause for delay. If the referendum election provided for in Section 6.02 of this Act is conducted after May 24, 2016, but before November 8, 2016, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after November 3, 2016, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the date of the 2016 November general election, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.

SECTION 6.05.
Charter commission.

No later than five years after the inception of the City of Stonecrest, the mayor and the city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by each member of the city council, and one member appointed by a vote of the members of the Georgia House of Representatives and Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of Stonecrest. All members of the charter commission shall reside in the City of Stonecrest. The commission shall complete the recommendations within the time frame required by the city council.

SECTION 6.06.
Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 6.07.
Effective date.

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

SECTION 6.08.
Repealer.

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

APPENDIX A
LEGAL DESCRIPTION
CORPORATE LIMITS
CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: stonecrest-2015
Plan Type: Local
Administrator: S043
User: Gina

District STONECREST
DeKalb County
VTD: 089BJ - BROWN'S MILL ELEMENTARY
023416:
2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017
2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020
VTD: 089CF - MURPHEY CANDLER
VTD: 089FA - FAIRINGTON ELEM
VTD: 089FG - FLAT ROCK ELEM
VTD: 089LD - LITHONIA (LIT)
023303:
4020 4021 4022
VTD: 089LH - LITHONIA HIGH SCHOOL
023309:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3033 3034 3035 3036
VTD: 089MC - MARBUT ELEM
023309:
2005 2006 4007
VTD: 089MF - MCWILLIAMS
VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
023214:
2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022
2023 2024
023416:

1000 1001 1014 1015

VTD: 089MV - MILLER GROVE ROAD
VTD: 089MZ - MILLER GROVE HIGH
VTD: 089PC - PRINCETON ELEM
023306:
3005 3006 3007 3013 3014
VTD: 089PI - PANOLA WAY ELEM
023212:
2002
VTD: 089PR - PANOLA ROAD
VTD: 089RH - REDAN-TROTTI
023306:
3008 3012 3016
023313:
1003 1004 1005 1006 1007 1008 1009 1010
VTD: 089RL - ROCK CHAPEL ROAD
023303:
1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
1032 4012
023306:
3015 3020
023315:
1010 1011 1020
VTD: 089SL - STONEVIEW ELEM
023303:
3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
4031 4032 4034 4035 4036
023310:
3000 3001 3002 3003 3004 3005 3006 3007 3008
023418:
1000 1001 1002 1023
023428:
2000 2001
VTD: 089SM - SALEM MIDDLE
VTD: 089SS - SNAPFINGER ROAD
023414:
1027

023416:
2003 2007 2008 2019 4004 4005 4006 4009 4010 4011 4012 4013
4014 4017 4018
VTD: 089WD - WOODROW ROAD

As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

APPENDIX B
COUNCIL DISTRICTS
CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: stonecrest-dist-2015
Plan Type: Local
Administrator: S043
User: Gina

District 001
DeKalb County
VTD: 089LD - LITHONIA (LIT)
023303:
4020 4021 4022
VTD: 089PC - PRINCETON ELEM
023306:
3005 3006 3007 3013 3014
VTD: 089RH - REDAN-TROTTI
023306:
3008 3012 3016
023313:
1003 1004 1005 1006 1007 1008 1009 1010
VTD: 089RL - ROCK CHAPEL ROAD
023303:
1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
1032 4012
023306:
3015 3020
023315:
1010 1011 1020
VTD: 089SL - STONEVIEW ELEM
023303:
3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
4031 4032 4034 4035 4036
023310:
3000 3001 3003 3004 3005 3008

023418:
1000 1001 1002 1023
VTD: 089WD - WOODROW ROAD
023418:
1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1022 1024 1025 1026 1027
1028 1029 1030 1031 1033 1034 1035 1036 1037 1038 1039 1048
1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060
1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
1073 1074 1075 1076 1077 1078 1079

District 002
DeKalb County
VTD: 089LH - LITHONIA HIGH SCHOOL
023309:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3033 3034 3035 3036
VTD: 089MC - MARBUT ELEM
023309:
2005 2006 4007
VTD: 089MF - MCWILLIAMS
023416:
1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002
4003 4007 4008
VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
023214:
2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022
2023 2024
023416:
1000 1001 1014 1015
VTD: 089MZ - MILLER GROVE HIGH
023310:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 4000
4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012
4013
VTD: 089PI - PANOLA WAY ELEM
023212:
2002
VTD: 089PR - PANOLA ROAD
023310:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017
VTD: 089SL - STONEVIEW ELEM

023310:
3007
VTD: 089SS - SNAPFINGER ROAD
023416:
4004 4005 4006

District 003
DeKalb County
VTD: 089FA - FAIRINGTON ELEM
VTD: 089MF - MCWILLIAMS
023416:
1002 1003 1005 1006 1007 2000 2001 2002
VTD: 089MV - MILLER GROVE ROAD
023427:
2001 2002 2003 2004 2005
VTD: 089PR - PANOLA ROAD
023428:
1000 3000 4000
VTD: 089WD - WOODROW ROAD
023428:
1001 1002 1003 1004 1005 1006 1007 1008 2016 2017

District 004
DeKalb County
VTD: 089BJ - BROWN'S MILL ELEMENTARY
023416:
2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017
2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020
VTD: 089MV - MILLER GROVE ROAD
023427:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1015 1016 1017
VTD: 089SM - SALEM MIDDLE
VTD: 089SS - SNAPFINGER ROAD
023414:
1027
023416:
2003 2007 2008 2019 4009 4010 4011 4012 4013 4014 4017 4018

District 005
DeKalb County
VTD: 089CF - MURPHEY CANDLER
VTD: 089FG - FLAT ROCK ELEM

VTD: 089MZ - MILLER GROVE HIGH
023428:
2002
VTD: 089SL - STONEVIEW ELEM
023310:
3002 3006
023428:
2000 2001
VTD: 089WD - WOODROW ROAD
023418:
1032 1040 1041 1042 1043 1044 1045 1046
023428:
2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
2015 2018

As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within the post that is contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Except as otherwise provided in the description of any district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

APPENDIX C
CERTIFICATE AS TO MINIMUM STANDARDS FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Ronald B. Ramsey, Sr., Senator from the 43rd District, and the author of this bill introduced at the 2015 session of the General Assembly of Georgia, which grants an original municipal charter to the City of Stonecrest, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of

the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this _____ day of _____, 2015.

_____
Honorable Ronald B. Ramsey, Sr.
Senator, District 43
Georgia State Senate

By unanimous consent, further consideration of SB 208 was suspended until later in the legislative day.

HR 1343. By Representatives McCall of the 33rd, England of the 116th, Cooke of the 18th, Holmes of the 129th, Shaw of the 176th and others:

A RESOLUTION encouraging the United States Environmental Protection Agency to withdraw the proposed Waters of the United States Clean Water Plan rule; supporting the comments submitted to the Environmental Protection Agency by thousands of landowners, numerous trade associations, and the Georgia Environmental Protection Division; supporting the leadership and actions of Georgia's Governor and Attorney General in opposing the Clean Water Plan rule; and encouraging the support of actions by Congress to enact legislation delaying implementation of the final Clean Water Plan rule until certain criteria are met; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Encouraging the United States Environmental Protection Agency to withdraw the proposed Waters of the United States Clean Water Plan rule; supporting the comments submitted to the Environmental Protection Agency by thousands of landowners, numerous trade associations, and the Georgia Environmental Protection Division; supporting the leadership and actions of Georgia's Governor and Attorney General in opposing the Clean Water Plan rule; and encouraging the support of actions by Congress to enact legislation delaying implementation of the final Clean Water Plan rule until certain criteria are met; and for other purposes.

WHEREAS, affordable, high-quality, and reliable fresh water is critical to the everyday lives of Georgians, the stability and competitiveness of the state's economy, and Georgia's future economic development; and

WHEREAS, the United States Environmental Protection Agency's (EPA) proposed Clean Water Plan rule is designed to fundamentally shift management of the water sector in Georgia to federal control, eliminating state management and decision making; and

WHEREAS, the EPA's proposed Clean Water Plan rule is designed to transform management of the water sector in ways that will impact the productive use, reliability, affordability, and management of water resources in Georgia; and

WHEREAS, as written, the Clean Water Plan rule could become one of the largest federal land grabs in United States history; and

WHEREAS, in 2008, under the leadership of Governor Sonny Perdue, the Georgia General Assembly had the foresight to support development of and unanimously pass a Comprehensive State-wide Water Management Plan; and

WHEREAS, the Comprehensive State-wide Water Management Plan further demonstrates the State of Georgia's leadership in water planning, management, and oversight by mandating the establishment of ten Regional Water Councils to provide local stewardship of water resource planning; and

WHEREAS, a strong commitment by industries, utilities, communities, and individual water users across Georgia to a culture of conservation has already demonstrated investment in and commitment to water-use efficiency measures that has reduced and continues to reduce overall water use; and

WHEREAS, agriculture is Georgia's oldest, largest, and most valuable industry that relies on access to and the efficient use of water resources for the production of a diverse range of food and fiber for domestic and export markets; and

WHEREAS, the introduction of the Clean Water Plan rule will penalize Georgia's farmers and other industries who will now face increased business interruption from regulatory uncertainty, regulatory costs, and bureaucratic interference, which could make everyday farming tasks, such as cultivating, spraying, fencing, and more, federally regulated activities that carry massive fines if a farmer is found in violation; and

WHEREAS, the EPA's proposed Clean Water Plan rule would allow waters traditionally off-limits to federal regulation, such as nonnavigable ponds, streams, ditches, and tributaries, to be subjected to the dictates of the EPA under a misapplication of the Clean Water Act; and

WHEREAS, the proposed Clean Water Plan rule is already being challenged in federal court, and further challenges are likely; and

WHEREAS, in October of 2015, a United States Circuit Court of Appeals temporarily blocked the Clean Water Plan rule from taking effect across the nation; and

WHEREAS, in December of 2015, the nonpartisan Government Accountability Office found that the EPA violated federal law in promoting the Clean Water Plan rule; and

WHEREAS, the proposed Clean Water Plan rule threatens the state's core interests and authority over water policy and water resources; and

WHEREAS, the Georgia Environmental Protection Division of the Department of Natural Resources, Georgia's Attorney General, industry groups, and concerned individuals have submitted comments in opposition to the Clean Water Plan rule; and

WHEREAS, an overwhelming majority of the members of Georgia's congressional delegation, recognizing the pernicious impact the EPA's Clean Water Plan rule will have on Georgia, have opposed and continue to vigorously oppose the Clean Water Plan rule.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body encourage the United States Environmental Protection Agency to immediately withdraw the proposed Waters of the United States Clean Water Plan rule.

BE IT FURTHER RESOLVED that the members of this body support the comments on the Clean Water Plan rule submitted to the Environmental Protection Agency by the State of Georgia.

BE IT FURTHER RESOLVED that the members of this body support the Joint Resolution resolved by Congress on January 4, 2016: *"That Congress disapproves the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to "Clean Water Rule: Definition of 'Waters of the United States' (80 Fed. Reg. 37054; June 29, 2015), and such rule shall have no force or effect."*

BE IT FURTHER RESOLVED that to avoid the potentially unnecessary and substantial expenditure of limited state and consumer resources, the members of this body urge Congress and the President to enact legislation to prohibit the Clean Water Plan rule from taking effect unless and until any and all legal challenges to the Clean Water Plan rule have been fully resolved and no appeals remain.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to make appropriate copies of this resolution available for distribution to the President of the United States, all members of the congressional delegation from the State of Georgia, the United States Environmental Protection Agency, the National Governors Association, the Environmental Council of the States,

other relevant organizations, all states' governors, all states' environmental commissioners, and all states' legislative leadership.

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

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

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

On the adoption of the Resolution, by substitute, the ayes were 149, nays 21.

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

HR 1342. By Representatives Douglas of the 78th, Mabra of the 63rd, Strickland of the 111th, Belton of the 112th, Wilkerson of the 38th and others:

A RESOLUTION requesting more recess time for school children; and for other purposes.

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	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
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	N 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	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	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	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	E Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
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	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 adoption of the Resolution, the ayes were 171, nays 3.

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

SB 243. By Senators Hill of the 4th and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Judicial Retirement System, so as to change certain provisions relating to preservation of rights by certain persons; to provide for membership in the system for certain persons in a full-time position requiring admission to the State Bar of Georgia as a condition of employment; to provide for an irrevocable election; to provide for a transfer of funds; to provide for creditable service; to provide for calculation of benefits; to change certain provisions relating to definitions; to provide a legislative purpose; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

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

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

On the passage of the Bill, the ayes were 96, nays 65.

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

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

Mr. Speaker:

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

HB 100. By Representatives Dickson of the 6th, Epps of the 144th, Greene of the 151st, England of the 116th and Coleman of the 97th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to change provisions relating to the date by which a child must reach a certain age in order to be eligible for enrollment in certain educational programs; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 229. By Representatives Strickland of the 111th, Welch of the 110th, Meadows of the 5th, Fleming of the 121st, Hightower of the 68th and others:

A BILL to be entitled an Act to amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, so as to expand grandparent rights to visitation and intervention to great-grandparents and siblings of parents; to conform cross-references relating to adoption; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 440. By Senator Albers of the 56th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate the City of Roswell in the County of Fulton," approved April 19, 2000 (Ga. L. 2000, p. 3844), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3650), so as to modify term limits for the mayor of the City of Roswell; to repeal conflicting laws; and for other purposes.

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

HR 1253. By Representatives Sharper of the 177th, Carter of the 175th, Corbett of the 174th, Shaw of the 176th, Kidd of the 145th and others:

A RESOLUTION encouraging local boards of education, nonpublic elementary and secondary schools, governing bodies of charter schools, and public recreation facilities to render instruction on dugout safety to youth athletes participating in the sport of baseball and to construct protective dugout coverings; and for other purposes.

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

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

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

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

On the adoption of the Resolution, the ayes were 145, nays 19.

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

The following Resolutions of the House were read and adopted:

HR 1759. By Representative Werkheiser of the 157th:

A RESOLUTION recognizing Randall L. King, Sr.; and for other purposes.

HR 1760. By Representative Kidd of the 145th:

A RESOLUTION recognizing the Old Governor's Mansion at Georgia College and State University in Milledgeville, Georgia, as a state historic house; and for other purposes.

HR 1761. By Representative Kidd of the 145th:

A RESOLUTION commending the GIVE Center at Georgia College on its 20th anniversary; and for other purposes.

HR 1762. By Representatives Thomas of the 56th, Bennett of the 94th, Metze of the 55th, Dawkins-Haigler of the 91st, Mitchell of the 88th and others:

A RESOLUTION recognizing and commending Reverend Dr. Gregory Vaughn Eason, Sr.; and for other purposes.

HR 1763. By Representatives Wilkerson of the 38th, Evans of the 42nd, Smith of the 41st, Dickerson of the 113th, Jones of the 53rd and others:

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

HR 1764. By Representatives Thomas of the 56th, Abrams of the 89th, Hugley of the 136th, Kaiser of the 59th, Willard of the 51st and others:

A RESOLUTION recognizing and commending Sylvia Anderson Russell, the former president for AT&T Georgia; and for other purposes.

HR 1765. By Representatives Thomas of the 56th, Beasley-Teague of the 65th and Jones of the 53rd:

A RESOLUTION recognizing and commending Chandra Currelley; and for other purposes.

HR 1766. By Representatives Howard of the 124th, Sims of the 123rd, Prince of the 127th, Frazier of the 126th and Smith of the 125th:

A RESOLUTION recognizing and commending Judge Carlilse Overstreet upon the grand occasion of his retirement; and for other purposes.

HR 1767. By Representative Thomas of the 56th:

A RESOLUTION recognizing and commending Woodie Persons; and for other purposes.

HR 1768. By Representative Thomas of the 56th:

A RESOLUTION recognizing and commending Mrs. Pamela Badgerow Adams; and for other purposes.

HR 1769. By Representatives Jones of the 167th, Ralston of the 7th, Wilkinson of the 52nd, Williams of the 119th and Spencer of the 180th:

A RESOLUTION recognizing Representative Alex Atwood; and for other purposes.

HR 1770. By Representative Rice of the 95th:

A RESOLUTION honoring Janet and Paul Elman on the occasion of their 25th wedding anniversary; and for other purposes.

HR 1771. By Representatives Howard of the 124th, Cooper of the 43rd, Randall of the 142nd, Sims of the 123rd and Prince of the 127th:

A RESOLUTION recognizing and commending the rich legacy of the Lamar School of Nursing; and for other purposes.

HR 1772. By Representatives Scott of the 76th, Waites of the 60th and Stovall of the 74th:

A RESOLUTION recognizing and commending Carol Denise Yancey; and for other purposes.

HR 1773. By Representative Werkheiser of the 157th:

A RESOLUTION recognizing and commending Ms. Marvelle Thompson, the 2016 Tattnall Chamber of Commerce Lifetime Achievement Award recipient; and for other purposes.

HR 1774. By Representative Werkheiser of the 157th:

A RESOLUTION recognizing and commending Sylvester and Juanita Ashford, the 2016 Tattnall County Chamber of Commerce Lifetime Achievement Award recipients; and for other purposes.

HR 1775. By Representatives Blackmon of the 146th, Epps of the 144th, Dickey of the 140th, Clark of the 147th and Harden of the 148th:

A RESOLUTION recognizing and commending Coach Ronnie Jones; and for other purposes.

HR 1776. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION congratulating the Jefferson High School Air Force Junior ROTC drill team on winning the state championship; and for other purposes.

HR 1777. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION congratulating Commerce High School's head wrestling coach, Coach Kendall Love, on being named the Georgia Wrestling Coaches Association's Coach of the Year; and for other purposes.

HR 1778. By Representative Werkheiser of the 157th:

A RESOLUTION recognizing and commending Ruben and Novella King, 2016 Tattnall Chamber of Commerce Lifetime Achievement Award recipients; and for other purposes.

HR 1779. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION congratulating former Commerce Middle School head football coach Jimmy Stephenson for receiving the J.B. Hawkins Humanitarian Award at the 2016 Georgia Sports Hall of Fame induction; and for other purposes.

HR 1780. By Representatives Burns of the 159th and Abrams of the 89th:

A RESOLUTION honoring the life and memory of Dennis Lawton; and for other purposes.

The Speaker announced the House in recess until 2:00 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

Mr. Speaker:

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

SB 427. By Senator Unterman of the 45th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Buford, approved June 3, 2003 (Ga. L. 2003, p. 4622), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

SB 438. By Senator Williams of the 19th:

A BILL to be entitled an Act to repeal the amendment to the Constitution of Georgia providing that the county officers of Telfair County shall be ineligible to hold office under certain conditions; to provide for legislative intent; to provide for a referendum with respect to the effectiveness of the foregoing; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

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

Mr. Speaker:

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

SB 423 Do Pass, by Substitute

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

Representative Powell of the 32nd District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 332 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 32nd
Chairman

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

Mr. Speaker:

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

SB 319 Do Pass, by Substitute
SB 388 Do Pass, by Substitute

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

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

Mr. Speaker:

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

SB 439. By Senator Black of the 8th:

A BILL to be entitled an Act to provide a new charter for the City of Barwick; to provide for incorporation, boundaries, powers and construction; to provide

for other matters relative to the foregoing; to provide a specific repealer; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 920. By Representatives Kelley of the 16th, Powell of the 171st, Fleming of the 121st, Petrea of the 166th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to restrict civil actions against passive investors in nursing homes and intermediate care homes; to provide for definitions; to provide for procedure; to provide for insurance or self-insurance trusts as a condition precedent to obtaining or maintaining a permit to operate a nursing home or intermediate care home; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1028. By Representatives Werkheiser of the 157th, Nimmer of the 178th, Burns of the 159th, Abrams of the 89th and Caldwell of the 20th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to waste management, so as to require the Environmental Protection Division of the Department of Natural Resources to provide notice to affected localities upon the occurrence of certain events relating to permitted solid or hazardous waste facilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the Senate was withdrawn from the General Calendar and recommitted to the Committee on Health & Human Services:

SB 337. By Senators Walker III of the 20th, Hill of the 6th, Hufstetler of the 52nd, Cowsert of the 46th, Kirk of the 13th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require the Department of Human Services to provide that certain dependents of a military service member shall maintain eligibility and priority for certain medical assistance and developmental disability services under certain conditions; to require the department to request a waiver if necessary to implement such provision; to provide that such provision shall

only apply to the fullest extent permissible to remain in compliance with certain federal laws, rules, and regulations; to repeal conflicting laws; and for other purposes.

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

SB 427. By Senator Unterman of the 45th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Buford, approved June 3, 2003 (Ga. L. 2003, p. 4622), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 438. By Senator Williams of the 19th:

A BILL to be entitled an Act to repeal the amendment to the Constitution of Georgia providing that the county officers of Telfair County shall be ineligible to hold office under certain conditions; to provide for legislative intent; to provide for a referendum with respect to the effectiveness of the foregoing; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 439. By Senator Black of the 8th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 440. By Senator Albers of the 56th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate the City of Roswell in the County of Fulton," approved April 19, 2000 (Ga. L. 2000, p. 3844), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3650), so as to modify term limits for the

mayor of the City of Roswell; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

SB 423. By Senators Jeffares of the 17th and VanNess of the 43rd:

A BILL to be entitled an Act to reestablish the Board of Commissioners of Newton County; to supersede the laws pertaining to the governing authority of Newton County; to provide for a board of commissioners, commissioner districts, a chair of the board, a county manager, a clerk to the board, and ethics provisions; to provide for meetings, agendas, and the conduct of meetings; to provide for budgeting, audits, financial condition, and approval of expenditures; to provide for the repeal of existing enabling legislation and other conflicting laws; to provide for related matters; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To reestablish the Board of Commissioners of Newton County; to supersede the laws pertaining to the governing authority of Newton County; to provide for a board of commissioners, commissioner districts, a chair of the board, a county manager, a clerk to the board, and ethics provisions; to provide for meetings, agendas, and the conduct of meetings; to provide for budgeting, audits, financial condition, and approval of expenditures; to provide for the repeal of existing enabling legislation and other conflicting laws; to provide for related matters; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The laws pertaining to the governing authority of Newton County shall be superseded by this Act to reestablish the Board of Commissioners of Newton County as follows:

"ARTICLE 1
BOARD OF COMMISSIONERS
SECTION 1-101.
Creation of board of commissioners.

(a) There is created in and for the County of Newton a chair and board of commissioners to be elected and organized as provided for in this Act. The chair and board of commissioners shall exercise the powers, duties, and responsibilities vested in and upon said officers by the provisions of this Act. The term 'board' or the term 'commission,' whenever used in this Act, shall mean the board of commissioners of Newton County, including the chair and all members.

(b) The board of commissioners of Newton County in existence immediately prior to the effective date of this Act is continued in existence, but on and after the effective date of this Act shall be constituted as provided in this Act. The board of commissioners of Newton County so continued and constituted shall continue to have the powers, duties, rights, obligations, and liabilities of that board as existed immediately prior to the effective date of this Act.

(c) Those members of the board who are serving as such immediately prior to the effective date of this Act and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors.

(d) On and after the effective date of this Act, the board of commissioners of Newton County shall consist of five members, all of whom shall be elected from commissioner districts described in Section 1-102 of this Act.

SECTION 1-102.

Commissioner districts.

(a) For purposes of electing members of the board of commissioners, Newton County is divided into five commissioner districts. One member of the board shall be elected from each such district. The five commissioner districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: newtonccsbR-2012 Plan Type: Local Administrator: Newton User: SE'.

(b)(1) For the purposes of such plan:

(A) The term Voter Tabulation District (hereinafter referred to as 'VTD') shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a 'VTD' heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(B) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(2) Any part of Newton County which is not included in any district described in this section shall be included within that district contiguous to such part which contains

the least population according to the United States decennial census of 2010 for the State of Georgia.

(3) Any part of Newton County which is described in this section as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(c) Commissioner Districts 1 through 5, as they exist immediately prior to the effective date of this Act, shall continue to be designated as Commissioner Districts 1 through 5, respectively, but as described under this Act; and, on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act.

SECTION 1-103.

Board of commissioners.

(a) There shall be elected to the board of commissioners of Newton County one member from each of the commissioner districts who shall be elected only by the qualified voters of the commission district that member represents.

(b) The members of the reconstituted board of commissioners of Newton County shall be elected as provided in this subsection.

(1) The first members from Commissioner Districts 1, 3, and 5 shall be elected at the general election on the Tuesday next following the first Monday in November, 2016. Those members of the board elected thereto from Commissioner Districts 1, 3, and 5 in 2016 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2020, and upon the election and qualification of their respective successors.

(2) The terms of office of the members from Commissioner Districts 2 and 4 in office on December 31, 2016 shall expire on December 31, 2018. The members from Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday next following the first Monday in November, 2018. Those members of the board elected thereto from Commissioner Districts 2 and 4 in 2018 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2022, and upon the election and qualification of their respective successors.

(3) All future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(c) No person shall be eligible to represent a commission district unless that person is at least 21 years of age and has been a resident of Newton County at least 12 months and is a resident of the district from which the person offers as a candidate. In the event a member moves the member's residence from the district being served, that place on the board shall immediately become vacant.

(d) The board of commissioners of Newton County shall be the legislative, policymaking body of Newton County. Said board shall exercise all of the powers, duties, and responsibilities hereinafter provided for, as well as all other powers, duties, and responsibilities which are vested in governing authorities of the counties of this state by the Constitution and general laws of Georgia. Without limiting the general legislative powers of the board to undertake and transact such business as is necessary for the orderly conduct of county affairs, the following powers are vested in the board of commissioners and reserved to its exclusive jurisdiction:

(1) To adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Act or state law, as may be necessary or proper for the purpose of carrying into effect the powers conferred by this Act and state law and for the promotion and protection of the safety, health, peace, security, environment, and general welfare of the inhabitants of Newton County;

(2) To adopt, and from time to time amend, the budget;

(3) To levy taxes, make appropriations, and fix the rates of all other charges;

(4) To authorize the incurring of indebtedness;

(5) To set the salary and wage ranges and numbers of employees in each range at the first meeting of each fiscal year or as part of the budget approval process;

(6) To authorize and provide for the execution of contracts;

(7) To establish, alter, open, close, build, repair, or abolish public roads, private ways, and bridges, according to law;

(8) To exercise all power, duty, and authority in respect to zoning and planning;

(9) To establish a yearly work plan and set all specifications for work to be done in the county;

(10) To determine the priority of capital improvements;

(11) To make periodic inspections of county properties and of the work being carried on by the county;

(12) To appoint the county manager and county clerk as provided in this Act and enter into contracts of employment for these positions;

(13) To enter into contracts of employment for needed professional services, including but not limited to legal, accounting, and auditing services; and

(14) To accept, for the county, the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county.

(e)(1) Except as otherwise provided in this Act, the board shall not enter into administrative acts.

(2) Except as otherwise provided in this Act, members of the board shall not contact employees or personnel of the county in relation to any duty or work habits of said employee, or to request any service or actions on the part of said employee except

through the county manager. This limitation shall not limit contact by members of the board as a matter of inquiry to obtain information necessary to allow said members to carry out their duties.

(f)(1) The board shall develop and maintain a work plan, outlining the work that shall be taken up under the direction of the chair and manager for each fiscal year.

(2) The work plan shall not authorize action or set forth any expenditures which would cost in excess of the amount of funds budgeted.

(g)(1) Prior to January 1, 2021, the members of the board shall receive an annual base salary which shall be equal to 20 percent of the base salary of the sheriff. Beginning January 1, 2021, the members of the board shall receive an annual base salary of $25,000.00.

(2) Cost-of-living increases shall be added to the base salary equivalent to the average percentage of the general increase in salary as may from time to time be granted to the executive, judiciary, and legislative branches of state government, as calculated by the State Office of Planning and Budget.

(3)(A) Members of the board shall receive reimbursement for actual and necessary expenses, excluding mileage or transportation costs, when the members are out of town overnight on county business.

(B) The members of the board shall receive reimbursement for mileage driven on county business in a personal vehicle. Such reimbursement shall correspond to the rate per mile authorized for employees of the State of Georgia. Reimbursements shall be paid only upon presentation of an itemized statement of expenses and mileage.

(h)(1) In the event a vacancy occurs on the board by death, resignation, or otherwise, and the unexpired term for such office exceeds 180 days before the date of election for such office, it shall be the duty of the county election superintendent to call a special election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The election shall be held as provided by Chapter 2 of Title 21 of the Official Code of Georgia Annotated, and the cost of the election shall be defrayed by the county governing authority.

(2) In the event a vacancy occurs on the board by death, resignation, or otherwise, and the unexpired term for such office is 180 days or less before the date of election for such office, the remaining members shall appoint a person to fill such vacancy until a successor takes office after the next general election.

(3) Any person appointed by the board to fill a vacancy shall reside within the commission district in which said vacancy occurred, and any person elected to fill a vacancy shall reside within the commission district in which said vacancy occurred and shall be elected in the same manner as the member whose position is vacant.

SECTION 1-104.

Board of commissioners chair.

(a) There shall be a chair of the board of commissioners of Newton County ('chair') who shall be elected by the qualified electors of the entire county.

(b) The first chair shall be elected at the general election on the Tuesday next following the first Monday in November, 2016. The chair elected thereto in 2016 shall take office the first day of January immediately following that election and shall serve for an initial term of office which expires December 31, 2020, and upon the election and qualification of the chair's respective successor. Thereafter, successors to the chair shall be elected at the general election which is conducted in that year in which the term of office expires, and shall take office on the first day of January following such election for a term of four years and until a successor is duly elected and qualified.

(c) No person shall be eligible to serve as chair unless that person is at least 21 years of age and has been a resident of Newton County for at least 12 months immediately preceding the date of the election. In the event the chair moves residence from Newton County, the office of chair shall be declared vacant.

(d) The chair shall be the chief executive officer of Newton County. The following powers and duties are vested in the chair:

(1) To be the official spokesman for the county government and the chief advocate of policy as established by the board;

(2) To be available to the constituency, citizens, and civic associations on a regular basis;

(3) To preside at all meetings of the board;

(4) To coordinate with the county manager in setting the agenda for regular and specially called meetings of the board;

(5) To vote in the event of a tie;

(6) To veto acts of the governing authority approved by no more than three members, provided that:

(A) Any such veto, in order to be effective, shall be provided by the chair in writing, including an identification of the reason or reasons for the veto, to the county clerk no more than eight days after the occurrence of the act;

(B) The county clerk shall provide a copy of the veto to the other members of the governing authority within five business days of receipt of the veto; and

(C) No later than 60 days after the date of the receipt of the veto by the county clerk, the veto may be overturned by a vote of at least four members of the governing authority at any regularly scheduled meeting of the governing authority;

(7) To execute ordinances and resolutions on their final passage and sign deeds, bonds, contracts, and other instruments and documents in any case in which the general laws of this state or any ordinance or resolution of the board so require or authorize;

(8) To issue proclamations honoring and recognizing the achievements and contributions of citizens;

(9) To coordinate intergovernmental activity among municipalities, other counties, state, and federal agencies;

(10) To represent the board in matters involving the relationship of the county government with elected county officers;
(11) To coordinate with the county legislative delegation on matters that impact county government;
(12) To coordinate with the Chamber of Commerce and encourage economic development;
(13) To represent the county government at ceremonial functions;
(14) To submit a list of qualified candidates for the position of county manager as provided in this Act;
(15) To ratify the removal of the county manager as provided in this Act;
(16) To call special meetings of the board of commissioners as provided in this Act;
(17) To coordinate with the county manager on the implementation of the work plan approved by the board; and
(18) To perform such additional duties as may be required by law or ordinances or resolutions of the board.

(e) Acts of the chair shall be binding unless four members of the board shall make their objections known within 30 days of an act, stating the reasons therefor, at an official meeting of the board, or if a meeting is not scheduled to be held prior to said action by the chair becoming effective, then four members of the board shall make their objections known to the chair, in writing, stating their objections and the reasons therefor, and said action by the chair shall be stayed until the next official meeting of the board. At such official meeting of the board, at least four of the members of the board may vote to override the action of the chair and thereby render this prior action nugatory.

(f) Should the chair fail to exercise any of the duties provided for by law, a member of the board, at the next regular meeting, may bring a written accusation against such chair outlining the duties that such chair failed to exercise, and order said chair to show cause why such duties have not been exercised. Such accusation shall be entered in the minutes of the meeting. The chair shall then be afforded an opportunity to respond to such charges and show cause why such duties have not been exercised, if in fact such duties were not exercised. Such response shall also be entered in the minutes of the meeting. If, after such accusation, response, and further discussion, a majority of the members of the board, excluding the chair, feels that it is necessary for the welfare of the county to compel such chair to exercise such duties, the board may exercise the duty themselves or may make a written request to the Judge of the Superior Court of Newton County to issue a writ of mandamus commanding the chair to exercise such duties.

(g)(1) The salary of the chair shall be as set forth by 'An Act to Provide for a Change in the Compensation of the Sheriff, the Tax Commissioner, the Judge of the Probate Court, the Clerk of the Superior Court, and the chairman of the Board of Commissioners of Newton County to Reflect Increases in the Cost of Living; to Define Certain Terms; to Provide an Effective Date; to Repeal Conflicting Laws; and for Other Purposes,' approved April 6, 1981 (1981 Ga. Laws, p. 3304), and amended

March 21, 1989 (1989 Ga. Laws, p. 3983) and March 25, 1994 (1994 Ga. Laws, p. 4156) or as otherwise determined by the General Assembly.

(2) Cost-of-living increases shall be added to the base salary equivalent to the average percentage of the general increase in salary as may from time to time be granted to the executive, judiciary, and legislative branches of state government, as calculated by the State Office of Planning and Budget.

(3)(A) The chair shall receive reimbursement for actual and necessary expenses, excluding mileage or transportation costs, when the chair is out of town overnight on county business.

(B) The chair shall receive reimbursement for mileage driven on county business in a personal vehicle. Such reimbursement shall correspond to the rate per mile authorized for employees of the State of Georgia. Reimbursements shall be paid only upon presentation of an itemized statement of expenses and mileage.

(h)(1) In the event a vacancy occurs in the office of chair by death, resignation, or otherwise, and the unexpired term for such office exceeds 180 days before the date of election for such office, it shall be the duty of the county election superintendent to call a special election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The election shall be held as provided by Chapter 2 of Title 21 of the Official Code of Georgia Annotated, and the cost of the election shall be defrayed by the county governing authority.

(2) In the event a vacancy occurs in the office of chair by death, resignation, or otherwise, and the unexpired term for such office is 180 days or less before the date of election for such office, a majority of the members of the board shall appoint a person to fill such vacancy until a successor takes office after the next general election.

SECTION 1-105.

County manager.

(a) There is hereby created the office of county manager of Newton County, hereinafter at times referred to as 'manager'.

(b)(1) The manager shall be appointed by a majority of the members of the board from a list of qualified candidates to be provided by the chair. Provided sufficient applications are received, the chair shall submit at least three candidates for consideration by the board. In the event less than three candidates are submitted, all applications shall be provided to the board for review and determination of whether additional candidates should be added to the list provided by the chair.

(2) The terms and conditions of the manager's appointment shall be provided for by contract to be approved by the board.

(3) The manager shall serve at the pleasure of the board; however, any decision to remove the manager shall be ratified by the chair. If the chair does not ratify a decision to remove the manager, the manager may only be removed by the vote of at least four board members.

(c) The manager shall be the administrative officer of Newton County and shall be responsible for the proper and efficient administration of all affairs of the county, except as otherwise provided in this Act or by law. It shall be the duty of the manager:

(1) To ensure all laws and ordinances of the county are enforced;

(2) To implement the work plan approved by the board and coordinate with the chair on the implementation of the work plan;

(3) To exercise control over all departments or divisions of the county, including:

(A) Facilitating internal and external communication throughout all levels of the organization;

(B) Assisting departments with the resolution of problems that require the attention of count management; and

(C) Informing the chair on departmental activities;

(4) To manage and supervise county staff and department heads with the exception of employees of other elected county officials and the board of tax assessors, including the following:

(A) To hire, determine compensation within the range approved by the board, train, evaluate performance, discipline, and terminate classified employees in coordination with the Human Resources Director and in accordance with the county's personnel policies;

(B) To appoint department heads subject to ratification by the board and to train, determine compensation within the range approved by the board, evaluate performance, discipline, and terminate department heads; provided, however, that department heads shall have a right to appeal any termination decision to the board; and

(C) To report to the board monthly on all positions to be filled in the ensuing month and all suspensions or replacements thereof which took place in the prior month. All said reports shall be spread upon the minutes of the board;

(5) To supervise and regulate all purchase of materials and supplies for Newton County within such limitations and under such rules and regulations as may be imposed by the board;

(6) To supervise the performance of all contracts for work done and services provided for Newton County and provide recommendations to the board on contract renewals;

(7) To keep the board fully advised as to the financial condition and needs of the county as provided in this Act;

(8) To work with the finance director and consult with the chair in the development of the annual budget as provided in this Act;

(9) To oversee and participate in the resolution of inquiries and complaints from the public and other organizations;

(10) To attend all meetings of the board with the right to brief the board on pending agenda items and take part in the discussions, provided that the manager shall have no vote on any matter or issue before the board;

(11) To respond to inquiries and provide commissioners with information on the status of county operations and projects;
(12) To provide analysis as needed to assist the board to make informed policy decisions;
(13) To report to the chair regarding day to day operations and preparation of preliminary agenda items; and
(14) To perform such other duties as may be required by the board.

SECTION 1-106.
Board of commissioners clerk.

(a) The board shall have the authority to appoint a clerk and deputy clerks by affirmative vote of three of the members of the board, and the clerk shall serve at the pleasure of the board.
(b) The clerk shall keep all books and records of the board and shall perform all duties required to keep the board's office open and all records open to public inspection as required by law.
(c) The clerk shall receive such compensation as shall be determined by the board.

SECTION 1-107.
Ethics.

(a) It is essential to the proper administration and operation of the Newton County government that public officials be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of Newton County public officials. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of Newton County public officials, the chair and members of the board shall adhere to all ethical standards established by all applicable general laws of the State of Georgia and by the Newton County Code of Ethics and any such ordinance or ordinances as may be adopted from time to time by the board with respect to the conduct of such public officials.
(b) The chair and members of the board shall, before entering upon the duties of their office, make oath before the Judge of the Probate Court of said county to faithfully administer all things and affairs coming under their jurisdiction as county commissioners to the best interests of the county and to carry out the provisions of this Act.
(c)(1) The chair and members of the board, before entering upon their duties of office, shall give a good and sufficient bond to be approved by the Judge of the Probate Court of said county in the sum of $10,000.00 for the faithful discharge of their duties as county commissioners.

(2) For any violations or neglect of duty as provided by this Act, said bonds shall become actionable, suit thereon to be brought in the name of the Judge of the Probate Court of said county, for the use of any person damaged thereby, or for the County of Newton for any breach thereof by malfeasance or misfeasance in office or for any tort, or wrong committed under color of office.

ARTICLE 2
MEETINGS OF THE BOARD OF COMMISSIONERS

SECTION 2-101.
Meeting schedule.

(a) No later than December of each year, the board shall set the regular meeting schedule for the upcoming year. Said meeting schedule shall include a minimum of one meeting per month.
(b) There shall be such other special called meetings or work sessions as may be called by the chair or three board members during each month.

SECTION 2-102.
Agenda.

(a)(1) The chair and county manager shall coordinate on the placement of items on the agenda which shall be prepared by the clerk.
(2) Any matters which any individual member of the board wishes to be brought before the board shall be submitted to the clerk, in writing, with a copy to the chair and county manager.
(b) Board members shall be provided with a copy of the agenda and all supporting documentation as required by the Georgia Open Meetings Act and as otherwise required by any Newton County local procedural rules. If the local rules conflict with the Open Meetings Act, the Open Meetings Act shall control.
(c) The agenda shall be approved by the board as required by the Georgia Open Meetings Act and as otherwise required by any Newton County local procedural rules. If the local rules conflict with the Open Meetings Act, the Open Meetings Act shall control.
(d) Notwithstanding the foregoing subsections, the failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude consideration or action upon same.

SECTION 2-103.
Conduct of meetings.

(a) The chair shall preside at all meetings of the board, and in the absence of the chair, the member of the board designated as vice chair shall preside and act as chair.

(b) Three members of the board shall constitute a quorum for the transaction of business.

(c)(1) Except as otherwise specified herein, the affirmative vote of at least three board members, or, in the event of a tie, two board members and the chair, shall be necessary to take official action.

(2) The vote of at least four board members shall be required to approve any amendments to this Act the board is authorized by law to make or to approve ordinances or resolutions changing the powers or responsibilities of the board members, chair, or county manager.

ARTICLE 3
FINANCE
SECTION 3-101.
Budget.

(a) The annual budget shall set forth all the anticipated revenues and expenditures for the ensuing fiscal year to begin July 1 of each year and going through June 30, setting forth in detail all categories where funds are to be received or expended. Budgeted expenditures shall not exceed the anticipated revenues of Newton County as based upon the tax digest for the current tax year as approved and upon such other moneys as were received by Newton County from all other sources during the previous fiscal year.

(b) The manager shall work with the finance director and consult with the chair in the development of a budget for consideration by the board. In developing the budget, the manager shall prepare the board's administrative offices budget, and review departmental budget requests and requests for appropriations. An initial draft budget shall be submitted to the board by April 1 of each year.

(c) Notwithstanding any other provision of any other local law to the contrary, the Judge of the Probate Court, the Sheriff, the Clerk of the Superior Court, and the Tax Commissioner of Newton County shall prepare budgets for the ensuing fiscal year based on the same fiscal year as the board and shall submit proposed budgets to the board by June 1 of each year.

(d) Notwithstanding any other provision of any other local law to the contrary, with regard to the budget of any elected official of Newton County, who is required under law to submit a budget for the operation of his or her office to the board, the board shall have the power and authority to determine the amount which shall represent the final budget of said officials and only those amounts so determined by said board shall be paid from the funds of the county. After the board approves the budget of said officials, it will become the responsibility of the officials to administer the budget.

(e) The manager shall coordinate the scheduling of budget meetings and, in consultation with the legal counsel, ensure compliance with all legal and procedural requirements for budget adoption.

(f) The board shall approve a budget prior to the first day of the fiscal year; however, if for good and sufficient reasons, a budget cannot be adopted by the first day of the fiscal

year, the budget shall be adopted not later than 30 days subsequent thereto. If the budget is not adopted prior to the beginning of the fiscal year, a resolution authorizing the continuation of necessary and essential expenditures to operate the county shall be adopted prior to any actual expenditure.

SECTION 3-102.
Audit.

(a) At the end of each fiscal year, it shall be the duty of an auditor selected by the board to audit the financial affairs and transactions of all funds and activities of the board, the Judge of the Probate Court, the Sheriff, the Clerk of the Superior Court, and the Tax Commissioner and to return said audits to the board.
(b) In conducting said audit, the auditor shall have the power to examine on oath the chair, any board member, or any other public official set out herein or any person serving under the board or any other public official set out herein relative to any account or item on the books and accounts or any transaction in said office.
(c) Said auditor shall perform its duties herein prescribed and submit a report of its findings as required by law and to the grand jury sitting at the fall term of the Newton Superior Court.
(d) A summarized audit statement shall be published in the county legal organ.

SECTION 3-103.
Financial condition.

In keeping the board fully advised as to the financial condition and needs of the county, the manager shall:
(1) Present to the board a monthly financial statement showing the revenues and expenditures of the previous month;
(2) Present and publish such other financial reports as requested by the board;
(3) Perform financial and managerial analyses pertaining to county operations and programs and other matters under consideration; and
(4) Gather requested information, evaluate data, and make recommendations on programs and other matters under consideration.

SECTION 3-104.
Approval of expenditures.

(a) All purchases of Newton County, and the method for payment of same, shall be governed by all applicable general laws of the State of Georgia and by any such ordinance or ordinances as may be adopted from time to time by the board.
(b)(1) The signature of the chair and the manager shall be required on all checks issued by Newton County. In the absence of either the chair or manager, the signature of any board member shall be required as the second signature.

(2) Any check shall be deemed to be signed with the full knowledge of the intent and purposes for which said check was issued."

SECTION 2.

The Act creating a board of commissioners of Newton County, approved April 6, 1967 (Ga. L. 1967, p. 2784), and all amendments thereto, and all other laws and parts of laws in conflict with this Act are repealed.

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

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

HB 1011. By Representatives Carson of the 46th, Cooper of the 43rd, Evans of the 42nd, Reeves of the 34th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3702), an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), an Act approved April 10, 2014 (Ga. L. 2014, p. 4269), and an Act approved May 12, 2015 (Ga. L. 2015, p. 4281), so as to change the compensation of the chief deputy, the assistant chief deputy, and the executive assistant to the sheriff; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3702), an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), an Act approved April 10, 2014 (Ga. L. 2014, p. 4269), and an Act approved May 12, 2015 (Ga. L. 2015, p. 4281), so as to change the compensation of the sheriff, the chief deputy, the assistant chief deputy, and the executive assistant to the sheriff; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3702), an Act approved May 6, 2013 (Ga. L. 2013, p. 4150), an Act approved April 10, 2014 (Ga. L. 2014, p. 4269), and an Act approved May 12, 2015 (Ga. L. 2015, p. 4281), is amended by revising Section 5 as follows:

"(a) The salary of the sheriff of Cobb County shall be $144,438.57 per annum, to be paid in monthly installments from the funds of Cobb County.

(b) The sheriff of Cobb County shall have one chief deputy whose salary shall be $134,795.27 per annum, to be paid in equal monthly installments from the funds of Cobb County. The chief deputy sheriff shall possess the same qualifications for office as required for the sheriff. The chief deputy shall serve at the pleasure of the sheriff. Each candidate for the office of sheriff of Cobb County shall, at the time he or she qualifies to run for the office of sheriff, designate and certify to the judge of the probate court the name of the person who shall be his or her chief deputy sheriff. In the event the office of sheriff becomes vacant by death, resignation, or otherwise, the vacancy shall be filled until the next general election by said chief deputy, who shall in such event enter upon the performance of said duties upon taking the oath of office prescribed by law for the sheriff of Cobb County. The chief deputy sheriff is authorized, when directed by the sheriff, to discharge any and all of the duties and powers of the sheriff. In addition to said chief deputy, said sheriff shall be authorized to name and appoint such additional deputies as shall be approved from time to time by the governing authority of Cobb County. The salaries of said additional deputies shall be set by the governing authority of Cobb County; provided, however, that said salaries shall not be less than $4,880.00 per annum per each additional deputy approved by said governing authority of Cobb County. In addition to said chief deputy and other deputies provided for in this subsection, the sheriff of Cobb County shall be authorized to employ the clerical help necessary to perform properly the functions and duties of his or her office, provided that the number of employees and salaries or other compensation to be paid to each shall first be approved by the governing authority of Cobb County.

(c) In addition to those employees provided for by subsection (b) of this section, there is created the office of assistant chief deputy for Cobb County. The assistant chief deputy shall be appointed by the sheriff, shall be under his or her direct supervision and control, and shall serve at the pleasure of the sheriff. The individual appointed by the sheriff of Cobb County shall possess, at a minimum, a high school education or its equivalent and shall either be a graduate of the Federal Bureau of Investigation's National Academy for Peace Officers or possess ten years of actual experience as a peace officer or be a graduate of a law school accredited by the Georgia Bar Association or be a graduate of the Southern Police Institute School of Police Management and Administration or have a master's degree from an accredited college

or university. The salary of the assistant chief deputy shall be $122,307.60 per annum, to be paid in equal monthly installments from the funds of Cobb County.

(d) In addition to those employees provided for in subsections (b) and (c) of this section, there is created the position of executive assistant to the sheriff. The executive assistant shall be appointed by the sheriff, shall be under his or her direct supervision and control, and shall serve at the pleasure of the sheriff. The sheriff shall establish such qualifications, education, and experience as he or she deems necessary for the individual appointed to the position of executive assistant. The salary of the executive assistant shall be $73,487.83 per annum, to be paid in equal monthly installments from the funds of Cobb County."

SECTION 2.

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

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

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

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

Y Chandler	Y Gilligan	E Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	E 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, and on the agreement to the Senate substitute, the ayes were 166, nays 0.

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

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

SR 1027. By Senators Mullis of the 53rd, Miller of the 49th, Cowsert of the 46th, Tate of the 38th and Jackson of the 24th:

A RESOLUTION creating the Joint Music Economic Development Study Committee; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Creating the Joint Music Economic Development Study Committee; and for other purposes.

WHEREAS, the music industry in Georgia, through the creativity and effort of many talented and dedicated performers, producers, promoters, technicians, and others working in many different musical genres and styles, has entertained and given great pleasure to millions of people worldwide; and

WHEREAS, the music industry contributes substantially to the quality of life and economic welfare of citizens of this state; and

WHEREAS, in light of the above, it is highly desirable to encourage and promote the continued growth and success of the music industry in this state; and

WHEREAS, it is fitting and proper to examine the following aspects of the music industry in Georgia:

(1) The economic impact of the music industry in Georgia and ways to measure, expand, and promote the music economy statewide and foster integration with other creative industries including film, digital media and gaming;
(2) The current mix of music content creators in Georgia and ways to retain and attract talent while expanding music content as a net cultural export;
(3) The current state of the music and sound recording sector in Georgia and ways to support and promote that sector;
(4) The current state of music tourism including live music and performance, music festivals and music attractions and ways to support and promote that sector;
(5) The current state of music technology and entrepreneurship and explore ways to support and promote innovation and enterprise investment;
(6) The musical tour and theatrical production in Georgia and ways to develop and promote that sector of the industry;
(7) The current state of post-secondary music education opportunities in Georgia and ways to ensure a consistent, trained and reliable future workforce and alignment with private sector needs;
(8) The business side of music in Georgia, taking into account various industry clusters, and ways to strengthen and expand the business of music; and
(9) The Georgia Music Hall of Fame and its awards ceremony and ways that the institution can promote music in Georgia while providing for continued economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

(1) **Creation of joint study committee.** There is created the Joint Music Economic Development Study Committee.

(2) **Members and officers.**

(A) The committee shall be composed of 13 members.

(B) The President of the Senate shall appoint three members of the Senate as members of the committee and shall designate one of such members as cochairperson. The President of the Senate shall also appoint an additional three members of the committee from the music business.

(C) The Speaker of the House of Representatives shall appoint three members of the House of Representatives as members of the committee and shall designate one of such members as cochairperson. The Speaker of the House of Representatives shall also appoint an additional three members of the committee from the music business.

(D) The commissioner of economic development, or his or her designee, shall be a member of the committee.

(3) **Powers and duties.** The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate.

(4) **Meetings.** The cochairpersons shall call all meetings of the committee. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution.

(5) **Allowances, expenses, and funding.**

(A) The legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

(B) Members of the committee who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the committee, but they may be reimbursed for expenses incurred by them in the performance of their duties as members of the committee in the same manner as they are reimbursed for expenses in their capacities as state officials or employees.

(C) Members of the committee who are not legislators, state officials, or state employees shall receive a daily expense allowance in an amount the same as that specified in subsection (b) of Code Section 45-7-21 of the Official Code of Georgia Annotated, as well as the mileage or transportation allowance authorized for state employees.

(D) The allowances and expenses authorized by this resolution shall not be received by any member of the committee for more than five days unless additional days are authorized. Funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the Senate and the House of Representatives; except that funds for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective agencies.

(6) **Report.**

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

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

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

(D) In the absence of an approved report, the cochairpersons may file with the Secretary of the Senate and the Clerk of the House of Representatives copies of the minutes of the meetings of the committee in lieu thereof.

(7) **Abolishment.** The committee shall stand abolished on December 1, 2016.

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

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

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

On the adoption of the Resolution, by substitute, the ayes were 166, nays 5.

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

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

Mr. Speaker:

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

HB 513. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, so as to revise provisions regarding the procedure for claims asserted against a person or entity arising from an act by that person or entity which could reasonably be construed as an act in furtherance of the right of free speech or the right to petition government for a redress of grievances; to revise definitions; to amend Chapter 5 of Title 51 of the Official Code of Georgia Annotated, relating to libel and slander, so as to revise a cross-reference; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 736. By Representatives Atwood of the 179th, Jones of the 167th, Petrea of the 166th, Stephens of the 164th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates promoting certain beneficial projects and supporting certain worthy agencies, funds, or nonprofit corporations, so as to provide for a special license plate promoting marine habitat conservation; to provide for related matters; to require a two-thirds' majority vote for passage in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

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

HR 1382. By Representatives Buckner of the 137th, Abrams of the 89th, Hugley of the 136th, Mitchell of the 88th, Bentley of the 139th and others:

A RESOLUTION encouraging the Department of Community Health to create and seek the counsel of a State Health Benefit Plan Customer Advisory Council; and for other purposes.

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

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

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	N Morris	Y 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	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	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	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	Y Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
Y Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	Y Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	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	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	E Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	N Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	E Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	N Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	E McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 155, nays 14.

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

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

SB 208. By Senators Ramsey, Sr. of the 43rd, Jones of the 10th, Davenport of the 44th, Henson of the 41st and Butler of the 55th:

A BILL to be entitled an Act to incorporate the City of Stonecrest in DeKalb County; to provide for a charter for the City of Stonecrest; to provide for incorporation, boundaries, and powers of the city; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Committee substitute, having previously been read, was adopted.

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

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

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

On the passage of the Bill, by substitute, the ayes were 144, nays 17.

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

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 331. By Senators Thompson of the 14th, Hill of the 32nd, Cowsert of the 46th, McKoon of the 29th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 15-11-2 and Title 19 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code and domestic relations, respectively, so as to provide that causing a child to be conceived as a result of violating certain prohibitions relating to certain offenses is an additional ground for terminating parental rights; to revise definitions; to provide that causing a child to be conceived as a result of violating certain prohibitions relating to certain offenses is an additional ground for losing parental rights and is relevant in certain adoption proceedings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-2 and Title 19 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code and domestic relations, respectively, so as to provide how causing a child to be conceived as a result of rape is involved in terminating parental rights; to revise a definition; to provide that causing a child to be conceived as a result of rape is relevant in legitimation and adoption proceedings; to provide for a stay of discovery under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code, is amended by revising paragraph (5) as follows:

"(5) 'Aggravated circumstances' means the parent has:

(A) Abandoned a child;

(B) Aided or abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of another child of such parent;
(C) Subjected a child or his or her sibling to torture, chronic abuse, sexual abuse, or sexual exploitation;
(D) Committed the murder or voluntary manslaughter of his or her child's other parent or has been convicted of aiding or abetting, attempting, conspiring, or soliciting the murder or voluntary manslaughter of his or her child's other parent;
(E) Committed the murder or voluntary manslaughter of another child of such parent; ~~or~~
(F) Committed an assault that resulted in serious bodily injury to his or her child or another child of such parent; or
(G) Caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age."

SECTION 2.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising subsection (c) of Code Section 19-7-22, relating to a petition for legitimation of a child, as follows:

"(c)(1) Upon the presentation and filing of ~~the~~ a legitimation petition, the court may ~~pass~~ issue an order declaring the father's relationship with the child to be legitimate~~, and that~~. If the court grants such petition, the father and child shall be capable of inheriting from each other in the same manner as if born in lawful wedlock, and ~~specifying~~ the court shall specify the name by which the child shall be known.

(2)(A) If the court determines by clear and convincing evidence that the father caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age, or an offense which consists of the same or similar elements under federal law or the laws of another state or territory of the United States, it shall create a presumption against legitimation.
(B) Notwithstanding Code Section 53-2-3, if the court denies a legitimation petition under this paragraph, the child shall be capable of inheriting from or through his or her father. Notwithstanding Code Section 53-2-4, if the court denies a legitimation petition under this paragraph, the father shall not be capable of inheriting from or through his child.
(C) If there is a pending criminal proceeding in connection with an allegation made pursuant to subparagraph (A) of this paragraph, the court shall stay discovery in the legitimation action until the completion of such criminal proceeding."

SECTION 3.

Said title is further amended by revising subsection (a) of Code Section 19-8-10, relating to when the surrender or termination of parental rights is not required in the context of adoption, as follows:

"(a) Surrender or termination of rights of a parent pursuant to subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall not be required as a prerequisite to the filing of a petition for adoption of a child of that parent pursuant to Code Section 19-8-13 ~~where~~ when the court determines by clear and convincing evidence that the:

(1) Child has been abandoned by that parent;

(2) Parent cannot be found after a diligent search has been made;

(3) Parent is insane or otherwise incapacitated from surrendering such rights; ~~or~~

(4) Parent caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age; or

~~(4)~~(5) Parent has failed to exercise proper parental care or control due to misconduct or inability, as set out in paragraph (3), (4), or (5) of subsection (a) of Code Section 15-11-310,

and the court is of the opinion that the adoption is in the best interests of that child, after considering the physical, mental, emotional, and moral condition and needs of the child who is the subject of the proceeding, including the need for a secure and stable home."

SECTION 4.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 19-8-11, relating to petitioning the superior court to terminate parental rights, as follows:

"(3) Parental rights may be terminated pursuant to paragraph (1) or (2) of this subsection ~~where~~ when the court determines by clear and convincing evidence that the:

(A) Child has been abandoned by that parent;

(B) Parent of the child cannot be found after a diligent search has been made;

(C) Parent is insane or otherwise incapacitated from surrendering such rights; ~~or~~

(D) Parent caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age; or

~~(D)~~(E) Parent has failed to exercise proper parental care or control due to misconduct or inability, as set out in paragraph (3), (4), or (5) of subsection (a) of Code Section 15-11-310,

and the court shall set the matter down to be heard in chambers not less than 30 and not more than 60 days following the receipt by such remaining parent of the notice under subsection (b) of this Code section and shall enter an order terminating such parental rights if it so finds and if it is of the opinion that adoption is in the best interests of the child, after considering the physical, mental, emotional, and moral condition and needs of the child who is the subject of the proceeding, including the need for a secure and stable home."

SECTION 5.

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

The following amendment was read and adopted:

Representatives Willard of the 51st and Strickland of the 111th offer the following amendment:

Amend the House Committee on Judiciary substitute to SB 331 (LC 29 7082S) by inserting after "circumstances" *on line 6 the following:*
to amend Code Section 53-2-4 of the Official Code of Georgia Annotated, relating to inheritance from children born out of wedlock, so as to change provisions relating to a father making a sworn statement in order to inherit from his child;

By inserting between lines 91 and 92 the following:
Code Section 53-2-4 of the Official Code of Georgia Annotated, relating to inheritance from children born out of wedlock, is amended by revising paragraph (3) of subsection (b) as follows:

"(3) The father has, during the lifetime of the child, executed a sworn statement signed by the father attesting to the parent-child relationship; provided, however, that when the court determines by clear and convincing evidence that the father caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age, such sworn statement shall be insufficient for purposes of this subsection;"

SECTION 6.

The Committee substitute, as amended, was adopted.

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	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
Y Beasley-Teague	Dickerson	Y Holcomb	Y Pak	Y 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	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	N 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	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	E Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	E 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	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	E 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, as amended, the ayes were 169, nays 1.

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

The Speaker announced the House in recess until 3:30 o'clock, this afternoon.

The Speaker Pro Tem called the House to order.

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

Mr. Speaker:

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

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

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

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

HB 579. By Representatives McCall of the 33rd, Dickey of the 140th, Taylor of the 173rd, England of the 116th, Roberts of the 155th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding uniform rules of the road, so as to provide for the operation of certain vehicles upon the highways when used in connection with agricultural pursuits; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

Mr. Speaker:

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

SB 145 Do Pass, by Substitute
SB 199 Do Pass, by Substitute

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

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

Mr. Speaker:

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

HB 779. By Representatives Tanner of the 9th, Lumsden of the 12th, Watson of the 172nd, Prince of the 127th and Broadrick of the 4th:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to regulate the use of unmanned aircraft systems and images captured by such systems; to provide

for definitions; to provide for exceptions; to provide for penalties and a civil right of action; to provide for venue; to amend Code Section 27-3-151 of the Official Code of Georgia Annotated, relating to activity prohibited in the taking of wildlife, so as to regulate the use of unmanned aircraft systems in connection to hunting and fishing; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 952. By Representatives Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th, Coomer of the 14th and Carter of the 175th:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating professions and businesses, so as to enact the "Georgia Professional Regulation Reform Act"; to provide for executive oversight of licensing boards; to establish state policy for the regulation of certain professions and businesses; to provide for legislative intent; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1783. By Representative Kaiser of the 59th:

A RESOLUTION recognizing and commending Mattie King Ansley Jackson; and for other purposes.

HR 1784. By Representatives Thomas of the 56th, Stovall of the 74th, Beasley-Teague of the 65th, Thomas of the 39th and Dawkins-Haigler of the 91st:

A RESOLUTION recognizing and commending Dr. Walter Anthony Rodney and The Walter Rodney Foundation; and for other purposes.

HR 1785. By Representatives Wilkerson of the 38th, Thomas of the 39th, Smith of the 41st and Bruce of the 61st:

A RESOLUTION commending the senior members of South Cobb High School's softball team on becoming the winningest class in program history; and for other purposes.

HR 1786. By Representative Rogers of the 10th:

A RESOLUTION commending Prevent Child Abuse Habersham and recognizing April, 2016, as Prevent Child Abuse Awareness Month at the state capitol; and for other purposes.

HR 1787. By Representatives Stovall of the 74th, Thomas of the 39th, Marin of the 96th, McClain of the 100th and Pak of the 108th:

A RESOLUTION recognizing and commending Mr. Randy Muth and the Angkor Resource Center, Inc.; and for other purposes.

HR 1788. By Representatives Ballinger of the 23rd, Stephens of the 164th, Hitchens of the 161st, Petrea of the 166th, Stephens of the 165th and others:

A RESOLUTION recognizing and commending the Chatham County Child Fatality Review Committee on receiving the 2014 Child Fatality Review Committee of the Year Award; and for other purposes.

HR 1789. By Representatives Hugley of the 136th, Buckner of the 137th, Smyre of the 135th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION commending the smart, talented second graders of Forrest Road Elementary School in Columbus, Georgia, for their astronomy findings; and for other purposes.

HR 1790. By Representatives Ballinger of the 23rd, Meadows of the 5th, Jasperse of the 11th, Coomer of the 14th and Battles of the 15th:

A RESOLUTION recognizing and commending the Cherokee Circuit Child Fatality Review Committee on receiving the 2015 Child Fatality Review Prevention Team Award; and for other purposes.

HR 1791. By Representatives Ballinger of the 23rd, Powell of the 32nd, Rhodes of the 120th and McCall of the 33rd:

A RESOLUTION recognizing and commending the 2015 Child Fatality Review Committee of the Year, Northern Circuit; and for other purposes.

HR 1792. By Representative Jones of the 53rd:

A RESOLUTION recognizing and commending Councilwoman Felicia A. Moore; and for other purposes.

HR 1793. By Representatives Frye of the 118th, Quick of the 117th and Williams of the 119th:

A RESOLUTION recognizing and commending Tro'vonta D. Burgess; and for other purposes.

HR 1794. By Representative Jones of the 53rd:

A RESOLUTION recognizing Reverend Claude D. Porter, Sr.; and for other purposes.

HR 1795. By Representatives Stovall of the 74th, Alexander of the 66th, Thomas of the 39th, Efstration of the 104th, Ballinger of the 23rd and others:

A RESOLUTION recognizing March 21, 2016, as Single Parent Day at the capitol; and for other purposes.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
WEDNESDAY, MARCH 16, 2016

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Structured Rule

SB 85 Development Authorities; revise the definition of projects as applicable; modify the tax exemption (Substitute)(GAff-Raffensperger-50th) Beach-21st

SB 307 Public Roads; provide for definitions relative to advertising (Substitute)(Trans-Coomer-14th) Beach-21st

SB 367 Georgia Council Justice Reform; provide for comprehensive reform (Substitute)(JudyNC-Efstration-104th) Kennedy-18th

SB 369 Fireworks; revise the standard of compliance from explosion to ignition; definitions (Substitute)(RegI-Jones-47th) Mullis-53rd (AM 34 0735)

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

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

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

SB 367. By Senators Kennedy of the 18th, Miller of the 49th, Dugan of the 30th, Jones of the 25th, Kirk of the 13th and others:

A BILL to be entitled an Act to provide for comprehensive reform for offenders entering, proceeding through, and leaving the criminal justice system so as to promote an offender's successful reentry into society, benefit the public, and enact reforms recommended by the Georgia Council on Criminal Justice Reform; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To provide for comprehensive reform for offenders entering, proceeding through, and leaving the criminal justice system so as to promote an offender's successful reentry into society, benefit the public, and enact reforms recommended by the Georgia Council on Criminal Justice Reform; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to create operating under the influence court divisions and family treatment court divisions; to provide for assignment of cases, planning groups, work plans, standards and practices, staffing and expenses, records, fees, grants, and donations; to provide for oversight by the Council of Accountability Court Judges of Georgia; to change the composition of the Council of Accountability Court Judges of Georgia; to provide for record restriction in accountability courts under certain circumstances; to provide for considerations relative to the detention of children under the age of 14; to authorize a state or local governing authority to contract for services for Pretrial Intervention and Diversion Programs; to provide for the collection of fees for and expenditures of funds from the County Drug Abuse Treatment Education Fund relative to operating under the influence and family treatment court divisions; to amend Titles 20, 42, and 49 of the Official Code of Georgia Annotated, relating to education, penal institutions, and social services, respectively, so as to provide for students incarcerated in Department of Corrections facilities or incarcerated or committed to Department of Juvenile Justice facilities to receive educational services through a state charter school; to provide for state funding for the education of such students in the same manner as for other students enrolled in the state charter school; to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so to provide for matters relating to school discipline and disrupting the operation of public schools; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to create better opportunities for defendants to regain driving privileges; to provide for a pauper's affidavit for a partial waiver of driver's license reinstatement and restoration fees; to

provide for concurrent driver's license suspensions and revocations under certain circumstances; to change provisions relating to determining the length of certain driver's license revocations; to limit eligibility for indefinitely renewable limited driving permits; to provide for certain drivers' licenses to be automatically reinstated; to provide for procedure; to allow operating under the influence court divisions to restore or suspend an operating under the influence court division participant's driver's license or issue a participant a limited driving permit or ignition interlock device limited driving permit under certain circumstances; to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to clarify responsibilities of the Board of Community Supervision and the Department of Community Supervision; to provide for an offender transition and reentry unit and misdemeanor probation unit within the Department of Community Supervision; to amend Chapter 8 of Title 42, Article 2 of Chapter 7 of Title 17, and Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to probation, commitment hearings, and the Georgia Crime Information Center, respectively, so as to clarify first offender status and provide duties, obligations, and responsibilities for the clerk of court, the Department of Community Supervision, probation officers serving pursuant to Article 6 of Chapter 8 of Title 42, and the Department of Corrections; to specify entities to whom first offender information shall be provided; to change provisions relating to first offender dispositions and the release of records thereof; to provide for the reporting of cases dismissed prior to filing an accusation or indictment; to provide for procedure; to enact reforms relating to criminal record keeping and dissemination; to clarify duties and responsibilities for criminal record keeping and dissemination; to clarify provisions relating to record restriction; to allow record restriction for certain first offenders who were under 21 years of age and accused of certain alcohol related violations; to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to change provisions relating to agreements for probation services; to provide for preliminary requirements for revocations based solely on failure to pay fines, statutory surcharges, or probation supervision fees or solely on failure to report; to provide for procedure; to provide for early termination of probation and review of certain misdemeanor probation cases under certain circumstances; to change provisions relating to parole eligibility for certain offenders; to repeal obsolete references to pretrial diversion programs that are no longer operated by the Department of Corrections or the Department of Community Supervision; to amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions applicable to professions and businesses, so as to require professional licensing boards to consider certain factors relating to felonies before denying a license to an applicant or revoking a license and to provide for probationary licenses for participants in accountability courts; to amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions for public assistance, so as to provide for eligibility for food stamps under certain circumstances; to amend Code Section 49-4A-2 of the Official Code of Georgia Annotated, relating to the creation of the Board of Juvenile Justice, so as to provide for rules and regulations governing the transfer of probation supervision of certain juvenile offenders; to amend

the Official Code of Georgia Annotated so as to conform provisions and correct cross-references; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
EXPANDING ACCOUNTABILITY COURTS AND
PRETRIAL INTERVENTION AND DIVERSION PROGRAMS;
DETENTION OF YOUTH

SECTION 1-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising paragraph (1) of subsection (a) of Code Section 15-1-18, relating to the Council of Accountability Court Judges of Georgia, as follows:

"(1) 'Accountability court' means a superior, state, or juvenile court that has a drug court division, mental health court division, ~~or~~ veterans court division, or operating under the influence court division or a juvenile court that has a family treatment court division."

SECTION 1-2.

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

"15-1-19.

(a)(1) As used in this subsection, the term 'risk and needs assessment' means an actuarial tool, approved by the Council of Accountability Court Judges of Georgia and validated on a targeted population, scientifically proven to determine an individual's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce such individual's likelihood of committing future criminal behavior.

(2) Any superior, state, or juvenile court that has jurisdiction over a violation of Code Section 40-6-391 or 52-7-12 may establish an operating under the influence court division to provide an alternative to the traditional judicial system for disposition of such cases.

(3) In any case which arises from a violation of Code Section 40-6-391 or 52-7-12 or is ancillary to such conduct and the defendant meets the eligibility criteria for the operating under the influence court division, the court may assign the case to the operating under the influence court division:

(A) Prior to the entry of the sentence, if the prosecuting attorney consents;

(B) As part of a sentence in a case; or

(C) Upon consideration of a petition to revoke probation.

(4) Each operating under the influence court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, public defenders, community supervision officers, probation officers

serving pursuant to Article 6 of Chapter 8 of Title 42, and persons having expertise in the field of substance abuse. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the operating under the influence court division. The work plan shall include operating under the influence court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (5) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan also shall ensure that operating under the influence court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The operating under the influence court division shall combine judicial supervision, treatment of operating under the influence court division participants, and drug testing.

(5)(A) The Council of Accountability Court Judges of Georgia shall establish standards and practices for operating under the influence court divisions, taking into consideration guidelines and principles based on current research and findings that are published by the National Drug Court Institute, the National Center for DWI Courts, and the Substance Abuse and Mental Health Services Administration and related to practices shown to reduce recidivism of offenders with alcohol or drug abuse problems. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the operating under the influence court field. Each operating under the influence court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to operating under the influence court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in operating under the influence court divisions.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure operating under the influence court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for operating under the influence court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. In order to receive state appropriated funds, any operating under the influence court division established on and after July 1, 2017, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2017, the award of any state funds for an operating under the influence court division shall be conditioned upon an operating under the influence court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before September 1, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified operating under the influence court divisions.

(E) The Council of Accountability Court Judges of Georgia shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all operating under the influence court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism, the number of moderate-risk and high-risk participants in an operating under the influence court division, drug testing results, drug testing failures, participant employment, the number of participants who successfully complete the program, and the number of participants who fail to complete the program.

(F) On or before July 1, 2017, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the operating under the influence court divisions for the purpose of improving operating under the influence court division policies and practices and the certification and recertification process.

(6) A court instituting the operating under the influence court division may request the prosecuting attorney for the jurisdiction to designate one or more prosecuting attorneys to serve in the operating under the influence court division and may request the public defender, if any, to designate one or more assistant public defenders to serve in the operating under the influence court division.

(7) The clerk of court for the court that is instituting the operating under the influence court division or such clerk's designee shall serve as the clerk of the operating under the influence court division.

(8) The court instituting the operating under the influence court division may request community supervision officers, probation officers serving pursuant to Article 6 of Chapter 8 of Title 42, and other employees of the court to perform duties for the operating under the influence court division. Such individuals shall perform duties as directed by the judges of the operating under the influence court division.

(9) The court instituting the operating under the influence court division may enter into agreements with other courts, agencies, and private corporations, private enterprises, private agencies, or private entities providing services pursuant to Article 6 of Chapter 8 of Title 42 for the assignment of personnel from such other entities to the operating under the influence court division.

(10) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such operating under the influence court division, federal grant funds, and funds from private donations.

(b)(1) Each operating under the influence court division shall establish criteria which define the successful completion of the operating under the influence court division program.

(2) If the operating under the influence court division participant successfully completes the operating under the influence court division program as part of a sentence imposed by the court:

(A) A judge presiding in such court division shall not order the dismissal of any offense involving or arising from a violation of Code Section 40-6-391 or 52-7-12; and

(B) A judge presiding in such court division shall not order the restriction or vacation of a conviction of any offense involving or arising from a violation of Code Section 40-6-391 or 52-7-12.

(3) If the operating under the influence court division participant successfully completes the operating under the influence court division program as part of a sentence imposed by the court, the sentence of the operating under the influence court division participant may be reduced or modified.

(4) Any plea of guilty or nolo contendere entered pursuant to this Code section shall not be withdrawn without the consent of the court.

(c) Any statement made by an operating under the influence court division participant as part of participation in such court division, or any report made by the staff of such court division or program connected to such court division, regarding a participant's substance usage shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that, if the participant violates the conditions of his or her participation in the program or is terminated from the operating under the influence court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case.

(d) Notwithstanding any provision of law to the contrary, operating under the influence court division staff shall be provided, upon request, with access to all records relevant to the treatment of the operating under the influence court division participant from any state or local government agency. All such records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the operating under the influence court division, and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the operating under the influence court division and originating court in a confidential file not available to the public.

(e) Any fees received by an operating under the influence court division from an operating under the influence court division participant as payment for substance abuse treatment and services shall not be considered as court costs or a fine.

(f) The court may have the authority to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the operating under the influence court division. Any such grants, donations, or proceeds shall be retained by the operating under the influence court division for expenses."

SECTION 1-3.

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

"15-1-20.

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

(1) 'Accountability court' means a superior or state court that has a drug court division, mental health court division, or veterans court division or a juvenile court that has a family treatment court division.

(2) 'Criminal history record information' shall have the same meaning as set forth in Code Section 35-3-30.

(3) 'Criminal justice agencies' shall have the same meaning as set forth in Code Section 35-3-30.

(4) 'Restrict,' 'restricted,' or 'restriction' means that criminal history record information shall not be disclosed or otherwise made available to any private persons or businesses pursuant to Code Section 35-3-34 or to governmental agencies or licensing and regulating agencies pursuant to Code Section 35-3-35.

(b) When a case is assigned to an accountability court and the defendant is required to complete a drug court division program, mental health court division program, veterans court division program, or family treatment court division program, as applicable, prior to the entry of the judgment, in contemplation that the defendant's case will be dismissed or nolle prossed, the court may, in its discretion, restrict the dissemination of the defendant's criminal history record information by the Georgia Crime Information Center for the prosecution of the case assigned to such court. The court shall specify the date such restriction shall take effect. The court may revoke such order at any time.

(c)(1) Criminal history record information restricted pursuant to this Code section shall always be available for inspection, copying, and use:

(A) To criminal justice agencies for law enforcement or criminal investigative purposes or for purposes of criminal justice agency employment;

(B) To judicial officials;

(C) By the Judicial Qualifications Commission;

(D) By a prosecuting attorney or public defender who submits a sworn affidavit to the clerk of court that attests that such information is relevant to a criminal proceeding;

(E) Pursuant to a court order; and

(F) By an individual who is the subject of restricted criminal history record information upon court order.

(2) The confidentiality of such information shall be maintained insofar as practical."

SECTION 1-4.

Said title is further amended by revising Code Section 15-11-11, relating to concurrent jurisdiction, as follows:

"15-11-11.

The juvenile court shall have concurrent jurisdiction to hear:

(1) Any legitimation petition filed pursuant to Code Section 19-7-22 concerning a child alleged to be dependent;

(2) Any legitimation petition transferred to the court by proper order of the superior court;

(3) The issue of custody and support when the issue is transferred by proper order of the superior court; provided, however, that if a demand for a jury trial as to support has been properly filed by either parent, then the case shall be transferred to superior court for the jury trial; ~~and~~

(4) Any petition for the establishment or termination of a temporary guardianship transferred to the court by proper order of the probate court; and

(5) Any criminal case transferred to the court pursuant to subsection (d) of Code Section 15-11-15."

SECTION 1-5.

Said title is further amended by revising Code Section 15-11-15, relating to transfers from superior court, as follows:

"15-11-15.

(a) In handling divorce, alimony, habeas corpus, or other cases involving the custody of a child, a superior court may transfer the question of the determination of custody, support, or custody and support to the juvenile court either for investigation and a report back to the superior court or for investigation and determination.

(b) If the referral is for investigation and determination, then the juvenile court shall proceed to handle the matter in the same manner as though the action originated under this chapter in compliance with the order of the superior court, except that the parties shall not be entitled to obtain an appointed attorney through the juvenile court.

(c) At any time prior to the determination of any ~~such~~ question regarding custody, support, or custody and support, the juvenile court may transfer the jurisdiction of the question back to the referring superior court.

(d) In handling criminal cases involving an accused who is in jeopardy of having his or her parental rights terminated due to criminal charges, a superior court may transfer a criminal case to a family treatment court division of a juvenile court for treatment and a report back to the superior court so long as the prosecuting attorney and accused agree to such transfer; provided, however, that such juvenile court may transfer such case back to the referring superior court at any time."

SECTION 1-6.

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

"15-11-70.

(a)(1) As used in this subsection, the term 'risk and needs assessment' means an actuarial tool, approved by the Council of Accountability Court Judges of Georgia and validated on a targeted population, scientifically proven to determine an individual's risk to recidivate and to identify criminal risk factors that, when properly

addressed, can reduce such individual's likelihood of committing future criminal behavior.

(2) Any juvenile court may establish a family treatment court division to provide an alternative to the traditional judicial system for the disposition of dependancy cases and for assisting superior courts with criminal cases referred to such division under Code Section 15-11-15. The goal of a family treatment court division is to:

(A) Reduce alcohol or drug abuse and addiction for respondents in dependency proceedings;

(B) Improve permanency outcomes for families when dependency is based in part on alcohol or drug use and addiction;

(C) Increase the personal, familial, and societal accountability of respondents in dependency proceedings; and

(D) Promote effective intervention and use of resources among child welfare personnel, law enforcement agencies, treatment providers, community agencies, and the courts.

(3) In any criminal case transferred pursuant to Code Section 15-11-15, when the defendant meets the eligibility criteria for the family treatment court division, such case may be assigned to the family treatment court division:

(A) Prior to the entry of the sentence, if the prosecuting attorney consents;

(B) As part of a sentence in a case; or

(C) Upon consideration of a petition to revoke probation.

(4) Each family treatment court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, special assistant attorneys general, public defenders, attorneys who represent children and parents, law enforcement officials, probation officers, community supervision officers, court appointed special advocates, guardians ad litem, and other individuals having expertise in services available to families in dependency proceedings. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the family treatment court division. The work plan shall include family treatment court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (5) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall include eligibility criteria for the family treatment court division. The family treatment court division shall combine judicial supervision, treatment of family treatment court division participants, drug testing, and mental health treatment.

(5)(A) The Council of Accountability Court Judges of Georgia shall establish standards and practices for family treatment court divisions, taking into consideration guidelines and principles based on current research and findings that are published by experts on family treatment health needs and treatment options in a dependency setting. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating

and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the family treatment court field. Each family treatment court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to family treatment court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in family treatment court divisions.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure family treatment court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for family treatment court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. In order to receive state appropriated funds, any family treatment court division established on and after July 1, 2017, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2017, the award of any state funds for a family treatment court division shall be conditioned upon a family treatment court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before September 1, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified family treatment court divisions.

(E) The Council of Accountability Court Judges of Georgia shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all family treatment court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, the number of children reunited with participants in a family treatment court division, drug testing results, drug testing failures, participant employment, the number of participants who successfully complete the program, and the number of participants who fail to complete the program.

(F) On or before July 1, 2017, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the family treatment court divisions for the purpose of improving family treatment court division policies and practices and the certification and recertification process.

(6) A court instituting the family treatment court division may request any of the following individuals to serve in the family treatment court division:

(A) One or more prosecuting attorneys designated by the prosecuting attorney for the jurisdiction;

(B) A special assistant attorney general; or

(C) One or more assistant public defenders designated by the public defender, if any.

(7) The clerk of the juvenile court that is instituting the family treatment court division or such clerk's designee shall serve as the clerk of the family treatment court division.

(8) The court instituting the family treatment court division may request community supervision officers, probation officers, and other employees of the court to perform duties for the family treatment court division. Such individuals shall perform duties as directed by the judges of the family treatment court division.

(9) The court instituting the family treatment court division may enter into agreements with other courts and agencies for the assignment of personnel and probation supervision from other courts and agencies to the family treatment court division.

(10) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such family treatment court division, federal grant funds, and funds from private donations.

(b) Each family treatment court division shall establish criteria which define the successful completion of the family treatment court division program. If the family treatment court division participant who was referred to the family treatment court division on a criminal charge by a superior court successfully completes the family treatment court division program, a report of such completion shall be communicated to the referring superior court judge.

(c) Any statement made by a family treatment court division participant as part of participation in such court division, or any report made by the staff of such court division or program connected to such court division, regarding a participant's substance usage shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that, if the participant violates the conditions of his or her participation in the program or is terminated from the family treatment court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case.

(d) Notwithstanding any provision of law to the contrary, family treatment court division staff shall be provided, upon request, with access to all records relevant to the treatment of the family treatment court division participant from any state or local government agency. All such records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the family treatment court division, and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the family treatment court division and originating court in a confidential file not available to the public.

(e) Any fees received by a family treatment court division from a family treatment court division participant as payment for substance abuse treatment and services shall not be considered as court costs or a fine.

(f) The court may have the authority to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the family treatment court division. Any such grants, donations, or proceeds shall be retained by the family treatment court division for expenses."

SECTION 1-7.

Said title is further amended by revising Code Section 15-11-505, relating to the use of detention assessments to determine if detention is warranted, as follows:

"15-11-505.

(a) If an alleged delinquent child is brought before the court, ~~or~~ delivered to a secure residential facility or nonsecure residential facility or foster care facility designated by the court, or otherwise taken into custody, the juvenile court intake officer shall immediately administer a detention assessment and determine if such child should be detained ~~and release such child~~, taking into account subsection (b) of this Code section. Such child shall be released unless it appears that his or her detention is warranted.

(b)(1) As used in this subsection, the term 'serious delinquent act' means to commit, attempt to commit, conspiracy to commit, or solicitation of another to commit a delinquent act which if committed by an adult would constitute:

(A) Aggravated assault;

(B) Aggravated battery;

(C) Aggravated child molestation;

(D) Aggravated cruelty to animals;

(E) Aggravated sexual battery;

(F) Aggravated sodomy;

(G) Armed robbery involving a firearm;

(H) Arson in the first degree;

(I) Burglary in the first degree;

(J) Child molestation;

(K) Escape;

(L) Hijacking a motor vehicle;

(M) Home invasion in the first or second degree;

(N) Involuntary manslaughter;

(O) Murder;

(P) Participating in criminal gang activity, as defined in subparagraphs (A) through (G) and (J) of paragraph (1) of Code Section 16-15-3, in violation of Code Section 16-15-4;

(Q) Rape;

(R) Robbery;

(S) Sexual exploitation of children;

(T) Smash and grab burglary;

(U) Trafficking of substances in violation of Code Section 16-13-31 or 16-13-31.1;
(V) Vehicular homicide; or
(W) Voluntary manslaughter.
(2) When a child who is 13 years of age or younger is taken into custody as provided in subsection (a) of this Code section for any delinquent act other than a serious delinquent act, there shall be a presumption that such child should not be detained."

SECTION 1-8.

Said title is further amended by revising subsection (b) of Code Section 15-11-710, relating to exchange of information, as follows:

"(b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15, 15-1-19, 15-11-40, 15-11-70, 15-11-105, 15-11-170, 15-11-264, 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709, 15-11-744, 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5, 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, 42-8-109.2, 49-5-40, 49-5-41, 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve the best interests of such child. Information which is shared pursuant to this subsection shall not be utilized to assist in the prosecution of a child in juvenile, superior, or state court or utilized to the detriment of such child."

SECTION 1-9.

Said title is further amended by revising subsection (a) of Code Section 15-18-80, relating to policy and procedure for Pretrial Intervention and Diversion Programs, as follows:

"(a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts. Upon the request of the district attorney or solicitor and with the advice and express written consent of such attorney, the state or local governing authority may enter into a written contract with any entity or individual for the purpose of monitoring program participants' compliance with a Pretrial Intervention and Diversion Program."

SECTION 1-10.

Said title is further amended by revising subsection (a) of Code Section 15-21-100, relating to imposition of additional penalty for certain offenses, as follows:

"(a)(1) In every case in which any court shall impose a fine, which shall be construed to include costs, for any offense prohibited by Code Section 16-13-30, 16-13-30.1,

16-13-30.2, 16-13-30.3, 16-13-30.5, 16-13-31, 16-13-31.1, 16-13-32, 16-13-32.1, 16-13-32.2, 16-13-32.3, 16-13-32.4, 16-13-32.5, or 16-13-32.6, there shall be imposed as an additional penalty a sum equal to 50 percent of the original fine. The additional 50 percent penalty shall also be imposed in every case in which a fine is imposed for violation of:

~~(1)~~(A) Code Section 3-3-23.1;

~~(2)~~(B) Code Section 40-6-391; ~~or~~

~~(3)~~(C) Code Section 40-6-393 or 40-6-394 if the offender was also charged with a violation of Code Section 40-6-391; or

(D) Code Section 52-7-12.

(2) If no fine is provided for in the applicable Code section, and the judge places the defendant on probation, the fine authorized by Code Section 17-10-8 shall be applicable."

SECTION 1-11.

Said title is further amended by revising subsection (b) of Code Section 15-21-101, relating to collection of fines and authorized expenditures of funds from County Drug Abuse Treatment and Education Fund, as follows:

"(b) Moneys collected pursuant to this article and placed in the 'County Drug Abuse Treatment and Education Fund' shall be expended by the governing authority of the county for which the fund is established solely and exclusively:

(1) For drug abuse treatment and education programs relating to controlled substances, alcohol, and marijuana; ~~and~~

(2) If a drug court division has been established in the county under Code Section 15-1-15, for purposes of the drug court division;

(3) If an operating under the influence court division has been established in the county under Code Section 15-1-19, for the purposes of the operating under the influence court division; and

(4) If a family treatment court division has been established in the county under Code Section 15-11-70, for the purposes of the family treatment court division.

(c) This article shall not preclude the appropriation or expenditure of other funds by the governing authority of any county or by the General Assembly for the purpose of drug abuse treatment or education programs, ~~or~~ drug court divisions, operating under the influence court divisions, or family treatment court divisions."

PART II

CHARTER SCHOOLS IN DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF JUVENILE JUSTICE FACILITIES

SECTION 2-1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising paragraphs (1) and (8) of subsection (b) of Code Section 20-2-133, relating to free public instruction for elementary and secondary education, as follows:

"(b)(1) Any child, except a child in a secure residential facility as defined in Code Section 15-11-2, as specifically provided in this paragraph, who is in the physical or legal custody of the Department of Juvenile Justice or the Department of Human Services; in a placement operated by the Department of Human Services or the Department of Behavioral Health and Developmental Disabilities; or in a facility or placement paid for by the Department of Juvenile Justice, the Department of Human Services or any of its divisions, or the Department of Behavioral Health and Developmental Disabilities and who is physically present within the geographical area served by a local unit of administration for any length of time is eligible for enrollment in the educational programs of that local unit of administration; provided, however, that the child meets the age eligibility requirements established by this article. ~~The~~ Except for children who are committed to the Department of Juvenile Justice and receiving education services under Code Section 20-2-2084.1, the local unit of administration of the school district in which such child is present shall be responsible for the provision of all educational programs, including special education and related services, at no charge so long as the child is physically present in the school district. A child shall be considered in the physical or legal custody of the Department of Juvenile Justice or the Department of Human Services or any of its divisions if custody has been awarded either temporarily or permanently by court order or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Human Services. A child shall be considered in a facility or placement paid for or operated by the Department of Behavioral Health and Developmental Disabilities if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Behavioral Health and Developmental Disabilities. No child in a secure residential facility as defined in Code Section 15-11-2, regardless of his or her custody status, shall be eligible for enrollment in the educational programs of the local unit of administration of the school district in which such facility is located. No child or youth in the custody of the Department of Corrections or the Department of Juvenile Justice and confined in a facility as a result of a sentence imposed by a court shall be eligible for enrollment in the educational programs of the local unit of administration of the school district where such child or youth is being held; provided, however, that such child or youth may be eligible for enrollment in a state charter school pursuant to Code Section 20-2-2084.1."

"(8) The Department of Education, the State Charter Schools Commission, the Department of Human Services, the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Disabilities, and the local units of administration where Department of Education, State Charter Schools Commission, Department of Juvenile Justice, Department of Behavioral Health and Developmental Disabilities, or Department of Human Services placements, facilities, or contract facilities are located shall jointly develop procedures binding on all agencies implementing the provisions of this Code section applicable to children and youth in the physical or legal custody of the Department of Juvenile Justice, under the care or

physical or legal custody of the Department of Human Services, or under the physical custody of the Department of Behavioral Health and Developmental Disabilities."

SECTION 2-2.

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

"20-2-2084.1.

A state charter school shall be authorized, upon the approval of the commission, to enter into a contract with the Department of Juvenile Justice or the Department of Corrections to operate a school and deliver education services to school age children or youth incarcerated within any facility of the Department of Corrections or incarcerated within or committed to the Department of Juvenile Justice. Any children or youth receiving education services through a state charter school in such manner shall be considered students enrolled in and attending the state charter school for purposes of funding pursuant to Code Section 20-2-2089."

SECTION 2-3.

Said title is further amended by revising Code Section 20-2-2090, relating to collaborative efforts on matters related to authorization of state charter schools and administration, as follows:

"20-2-2090.

The commission shall work in collaboration with the department on all matters related to authorizing state charter schools and shall be assigned to the department for administrative purposes only, as prescribed in Code Section 50-4-3. For administrative purposes, including data reporting, student enrollment counting procedures, student achievement reporting, funding allocations, and related purposes as defined by the State Board of Education, each state charter school, including any students receiving education services through a state charter school pursuant to Code Section 20-2-2084.1, shall, consistent with department rules and regulations, be treated as a single local education agency."

SECTION 2-4.

Said title is further amended by revising subsection (d) of Code Section 20-2-2114, relating to qualifications for the scholarship program for special needs students, as follows:

"(d) Students enrolled in a school operated by the Department of Juvenile Justice or operated by a state charter school on behalf of the Department of Juvenile Justice pursuant to Code Section 20-2-2084.1 are not eligible for the scholarship."

SECTION 2-5.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Code Section 42-2-5.1, relating to the Department of Corrections as a special school district for school age youth, as follows:

"42-2-5.1.

(a) In order to provide education for any school age ~~youths~~ youth incarcerated within any facility of the department, the department shall be considered a special school district which shall be given the same funding consideration for federal funds that school districts within ~~the~~ this state are given. The special school district under the department shall have the powers, privileges, and authority exercised or capable of exercise by any other school district. The schools within the special school district shall be under the control of the commissioner, who shall serve as the superintendent of schools for such district, except as otherwise provided in subsection (b) of this Code section. The board shall serve as the board of education for such district. The board, acting alone or in cooperation with the State Board of Education, shall establish education standards for the district. As far as is practicable, such standards shall adhere to the standards adopted by the State Board of Education for the education of school age youth, while taking into account:

(1) The overriding security needs of correctional institutions and other restrictions inherent to the nature of correctional facilities;

(2) The effect of limited funding on the capability of the department to meet certain school standards; and

(3) Existing juvenile education standards of the Correctional Education Association and the American Correctional Association, which shall be given primary consideration where any conflicts arise.

(b) Any school within the department that is operated by a state charter school pursuant to a contract entered into in accordance with Code Section 20-2-2084.1 shall be under the control of the State Charter Schools Commission and the governing board of the state charter school, subject to any conditions in the contract. Any such school shall not be considered a part of the special school district established pursuant to this Code section.

~~(b)~~(c) The effect of subsection (a) of this Code section shall not be to provide state funds to the special school district under the department through Part 4 of Article 6 of Chapter 2 of Title 20, except as otherwise provided in Code Section 20-2-2084.1."

SECTION 2-6.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising Code Section 49-4A-12, relating to the Department of Juvenile Justice as a special school district, as follows:

"49-4A-12.

(a) The Department of Juvenile Justice shall be a special school district which shall be given the same funding consideration for federal funds that school districts within ~~the~~ this state are given.

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, the ~~The~~ schools within the department shall be under the control of the commissioner who shall serve as the superintendent of schools for such district. The Board of Juvenile Justice shall serve as the board of education for such district.

(2) Any school within the department that is operated by a state charter school pursuant to a contract entered into in accordance with Code Section 20-2-2084.1 shall be under the control of the State Charter Schools Commission and the governing board of the state charter school, subject to any conditions in the contract. Any such school shall not be considered a part of the special school district established pursuant to this Code section.

(c)(1) The schools shall meet the requirements of the law for public schools and rules and regulations of the State Board of Education. It is the intent of this Code section to fund educational services and programs in this special school district so that youth served therein shall receive the same quality and content of educational services as provided to youth in school districts within ~~the~~ this state.

(2) The State School Superintendent may grant waivers for such provisions of the laws and regulations with which the schools cannot comply because of their functioning on an annual basis and in response to the commissioner or the commissioner's designee's written request and justification. Such exceptions shall be in writing.

(d)(1) Each teacher in the special school district shall receive annual compensation at the rate specified for the type of certificate held by such teacher based on the appropriate teacher salary schedules established pursuant to Code Section 20-2-212.

(2) This provision shall not act to reduce the compensation currently paid any teacher in the special school district.

(3) To the extent such resources are available, federal funding resources shall be utilized to meet increased costs resulting from implementation of this subsection.

(e) The commissioner shall develop and implement a plan whereby there shall be sufficient substitute teachers available for temporary service as needed for each school composing the special school district.

(f)(1) Nothing in the language of this Code section shall be construed as prohibiting any local school district from issuing a diploma to a youth in the custody of the department, upon certification of the principal of a departmental school.

(2) School records of any juvenile in the department's programs who is issued a diploma by a local school district shall be maintained by such local school district, provided that all references to the juvenile's commitment to and treatment by the department are expunged.

(g) The special school district under the department shall have the powers, privileges, and authority exercised or capable of exercise by any other school district.

(h) The effect of this Code section shall not be to provide state funds to the special school district under the department through Part 4 of Article 6 of Chapter 2 of Title 20, except as otherwise provided in Code Section 20-2-2084.1."

PART III
SCHOOL DISCIPLINE
SECTION 3-1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-759, which was previously reserved, as follows:

"20-2-759.

The State Board of Education shall promulgate rules and regulations to require minimum qualifications for hearing officers, disciplinary hearing officers, tribunals, and panels that are tasked with hearing matters in this subpart. The State Board of Education shall promulgate rules and regulations to ensure that such individuals have initial training prior to serving as a hearing officer or disciplinary hearing officer or on a tribunal or panel, undergo continuing education so as to continue to serve in such capacity, and function as independent, neutral arbiters. ~~Reserved.~~"

SECTION 3-2.

Said title is further amended by revising Code Section 20-2-1181, relating to disruption or interference with operation of public schools, as follows:

"20-2-1181.

(a) It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local ~~school~~ boards of education. ~~Any~~ Except as provided in subsection (b) of this Code section, a person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

(b)(1) As used in this subsection, the term 'complaint' shall have the same meaning as set forth in Code Section 15-11-2.

(2) A local board of education shall develop a system of progressive discipline that may be imposed on a child accused of violating this Code section before initiating a complaint.

(3) When a complaint is filed involving a violation of this Code section by a child not included in paragraph (4) of this subsection, it shall include information showing that the local board of education sought to:

(A) Resolve the expressed problem through available educational approaches; and

(B) Engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary.

(4) When a complaint is filed involving a violation of this Code section by a child who is eligible for or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, it shall include information showing that the local board of education:

(A) Has determined that such child is eligible or suspected to be eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973;

(B) Has reviewed for appropriateness such child's current Individualized Education Program (IEP) and placement and has made modifications where appropriate;

(C) Sought to resolve the expressed problem through available educational approaches; and

(D) Sought to engage the child's parent, guardian, or legal custodian to resolve the expressed problem and that such individual has been unable or unwilling to resolve the expressed problem, that the expressed problem remains, and that court intervention is necessary."

SECTION 3-3.

Said title is further amended by revising Code Section 20-2-1183, which was previously reserved, as follows:

"20-2-1183.

When a local school system assigns or employs law enforcement officers in schools, the local board of education shall have a collaborative written agreement with law enforcement officials to establish the role of law enforcement and school employees in school disciplinary matters and ensure coordination and cooperation among officials, agencies, and programs involved in school discipline and public protection. ~~Reserved.~~"

PART IV

DRIVING PRIVILEGES

SECTION 4-1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-9.

(a) A pauper's affidavit may be filed in lieu of paying the driver's license reinstatement or restoration fee otherwise required by this chapter. An individual filing a pauper's affidavit shall under oath affirm his or her poverty and his or her resulting inability to pay the driver's license reinstatement or restoration fee otherwise required by this chapter. The form of the affidavit shall be prescribed by the commissioner and shall indicate on its face that such individual has neither the income nor the assets to pay the fee otherwise required. The following warning shall be printed on the affidavit form prepared by the commissioner, to wit: 'WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony.'

(b) Upon the submission of a pauper's affidavit, the driver's license reinstatement or restoration fee shall be 50 percent of the fee required by law."

SECTION 4-2.

Said chapter is further amended by revising Code Section 40-5-22.1, relating to reinstatement of license of child under 16 years convicted of driving under the influence of alcohol or drugs, as follows:

"40-5-22.1.

Notwithstanding any other provision of law, if a child under 16 years of age is adjudicated delinquent of driving under the influence of alcohol or drugs ~~or of possession of marijuana or a controlled substance in violation of Code Section 16-13-30 or of the unlawful possession of a dangerous drug in violation of Code Section 16-13-72~~ or convicted in any other court of such offenses, the court shall order that the privilege of such child to apply for and be issued a driver's license or learner's permit shall be suspended and delayed until such child is 17 years of age for a first conviction and until such child is 18 years of age for a second or subsequent such conviction. Upon reaching the required age, such license privilege shall be reinstated if the child submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention program approved by the juvenile court and pays a reinstatement fee to the Department of Driver Services. The reinstatement fee for a first such conviction shall be $210.00 or $200.00 if paid by mail. The reinstatement fee for a second such conviction shall be $310.00 or $300.00 if paid by mail. The reinstatement fee for a third or subsequent such conviction shall be $410.00 or $400.00 if paid by mail. The court shall notify the department of its order delaying the issuance of such child's license within 15 days of the date of such order. The department shall not issue a driver's license or learner's permit to any person contrary to a court order issued pursuant to this Code section."

SECTION 4-3.

Said chapter is further amended by revising subsection (e) of Code Section 40-5-61, relating to surrender and return of license, and by adding a new subsection to read as follows:

"(e)(1) For the purpose of making any determination under this Code section relating to the return of revoked or suspended licenses to drivers, the period of revocation or suspension shall begin on the date the license is surrendered to the department or a court of competent jurisdiction under any provision of this chapter or on the date that the department processes the citation or conviction, whichever date shall first occur.

(2) If the license is lost, or for any other reason surrender to the department is impossible, the period of revocation or suspension may begin on the date set forth in a sworn affidavit setting forth the date and reasons for such impossibility, if the department shall have sufficient evidence to believe that the date set forth in such affidavit is true; in the absence of such evidence, the date of receipt of such affidavit by the department shall be controlling.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, a period of revocation or suspension may begin on the date a person is sentenced for an offense that also results in the revocation or suspension of his or her driver's license or driving privileges.

(f) When a person serving a sentence has his or her driver's license or driving privileges concurrently revoked or suspended with the imposition of his or her

sentence, the department shall credit the time served under such sentence toward the fulfillment of the period of revocation or suspension."

SECTION 4-4.

Said chapter is further amended by revising Code Section 40-5-62, relating to periods of revocation and conditions to restoration of license or issuance of new license, as follows:

"40-5-62.

(a) Unless the revocation was for a cause which has been removed, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be eligible to apply for a new license nor restoration of his or her nonresident's operating privilege until the earlier of:

(1) Five years from the date on which the revoked license was surrendered to and received by the department pursuant to a person's having been declared a habitual violator under Code Section 40-5-58 ~~or~~;

(2) Five years from the date on which a person is sentenced for the offense that resulted in his or her driver's license or driving privileges being revoked;

(3) Five years from the date on which the department processed the citation or conviction, reduced by a period of time equal to that period of time which elapses between the date the person surrenders his or her driver's license to the court after conviction for the offense for which the person is declared a habitual violator and the date the department receives such license from the court; or

~~(2)~~(4) Such time as any cause for revocation under subsection (b) of Code Section 40-5-59 has been removed.

(b) When a person serving a sentence has his or her driver's license or driving privileges concurrently revoked with the imposition of his or her sentence, the department shall credit the time served under such sentence toward the fulfillment of the period of revocation.

~~(b)~~(c) The department shall not issue a new license nor restore a person's suspended license or nonresident's operating privilege unless and until it is satisfied after investigation of the character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this Code section or any other provision of this title, the department shall not issue a new license to any person whose license was revoked as a habitual violator for three violations of Code Section 40-6-391 within a five-year period unless and until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program. The department may issue rules and regulations providing for reinstatement hearings. In the case of a revocation pursuant to Code Section 40-5-58, the department shall charge a fee of $410.00 or $400.00 if processed by mail in addition to the fee prescribed by Code Section 40-5-25 to issue a new driver's license to a person whose driver's license has been revoked."

SECTION 4-5.

Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section 40-5-63, relating to periods of suspension, as follows:

"(3) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person shall be considered a habitual violator, and ~~said~~ such license shall be revoked as provided for in ~~paragraph (1)~~ paragraphs (1) through (3) of subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo contendere to a charge of violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions."

SECTION 4-6.

Said chapter is further amended by revising subsections (c), (c.1), and (e) of Code Section 40-5-64, relating to limited driving permits for certain offenders, as follows:

"(c) **Standards for approval.** The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

(1) Going to his or her place of employment or performing the normal duties of his or her occupation;

(2) Receiving scheduled medical care or obtaining prescription drugs;

(3) Attending a college or school at which he or she is regularly enrolled as a student;

(4) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;

(5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;

(6) Attending court, reporting to a community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office, ~~or~~ reporting to a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or performing community service; ~~or~~

(7) Transporting an immediate family member who does not hold a valid driver's license for work, to obtain medical care~~,~~ or prescriptions, or to school; or

(8) Attending any program, event, treatment, or activity ordered by a judge presiding in an accountability court, as such term is defined in Code Section 15-1-18.

(c.1) **Exception to standards for approval.**

(1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22.

(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely for the following purposes:

(A) Going to his or her place of employment or performing the normal duties of his or her occupation;

(B) Receiving scheduled medical care or obtaining prescription drugs;

~~(B)~~(C) Attending a college or school at which he or she is regularly enrolled as a student;

~~(C)~~(D) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; ~~and~~

(E) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;

(F) Attending court, reporting to a community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office, reporting to a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or performing community service;

(G) Transporting an immediate family member who does not hold a valid driver's license for work, to obtain medical care or prescriptions, or to school;

(H) Attending any program, event, treatment, or activity ordered by a judge presiding in an accountability court, as such term is defined in Code Section 15-1-18; or

~~(D)~~(I) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider."

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

(1) A limited driving permit issued pursuant to this Code section shall be $25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57 or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a

violation of Code Section 40-6-391, or upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. ~~Permits~~ Limited driving permits issued pursuant to this Code section are renewable upon payment of a renewal fee of $5.00. ~~Permits~~ Such permits may be renewed ~~until~~ one time after the person ~~has his or her license reinstated~~ is eligible to reinstate his or her driver's license for the violation that was the basis of the issuance of the permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed limited driving permit issued to him or her.

(2) An ignition interlock device limited driving permit shall be valid for a period of one year. Upon successful completion of one year of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and ~~the~~ such permit may be renewed for additional periods of two months ~~as provided in paragraph (1) of this subsection~~ upon payment of a renewal fee of $5.00, but it may only be renewed one time after such person is eligible to reinstate his or her driver's license."

SECTION 4-7.

Said chapter is further amended by revising Code Section 40-5-75, relating to suspension of licenses by operation of law, as follows:

"40-5-75.

(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of a controlled substance or marijuana in violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391, or the equivalent law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI

Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of $210.00 or $200.00 when such reinstatement is processed by mail;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of $310.00 or $300.00 when such reinstatement is processed by mail; and

(3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. A driver's license suspension imposed under this paragraph shall run concurrently with and shall be counted toward the fulfillment of any period of revocation imposed under Code Sections 40-5-58 and 40-5-62, provided that such revocation arose from the same act for which the suspension was imposed. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the three-year driving permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of $25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

Any three-year driving permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any such permittee who is

convicted of violating the conditions endorsed on his or her three-year driving permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the three-year driving permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose ~~limited~~ three-year driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department. At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of $410.00 or $400.00 when such reinstatement is processed by mail. The restoration fee paid to reinstate a driver's license that was suspended under this paragraph shall be counted toward the fulfillment of the restoration fee required by subsection (c) of Code Section 40-5-62, provided that such revocation arose from the same act for which the suspension was imposed.

(b) Except as provided in Code Section 40-5-76, whenever a person is convicted of driving or being in actual physical control of any moving vehicle while under the influence of a controlled substance or marijuana in violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391, or the equivalent law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall ~~begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur~~ be governed by subsection (e) of Code Section 40-5-61.

(c) Application for reinstatement of a driver's license under paragraph (1), ~~or~~ (2), or (3) of subsection (a) of this Code section shall be made on such forms as the commissioner may prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and a restoration fee of $210.00 or $200.00 when such reinstatement is processed by mail. Application for a three-year driving permit under paragraph (3) of subsection (a) of this Code section shall be made on such form as the commissioner may prescribe and shall be accompanied by proof of completion of an approved residential drug treatment program and a fee of $25.00 for such permit.

(d) Notwithstanding any other provision of this Code section or any other provision of this chapter, any person whose license is suspended pursuant to this Code section shall not be eligible for early reinstatement of his or her license and shall not be eligible for a limited driving permit, but such person's license shall be reinstated only as provided in this Code section or Code Section 40-5-76.

(e) Except as provided in subsection (a) of this Code section, it shall be unlawful for any person to operate any motor vehicle in this state after such person's license has been suspended pursuant to this Code section if such person has not thereafter obtained a

valid license. Any person who is convicted of operating a motor vehicle before the department has reinstated such person's license or issued such person a three-year driving permit shall be punished by a fine of not less than $750.00 nor more than $5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or both.

(f) Licensed drivers who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention program approved by the juvenile court.

(g)(1) Upon the effective date of this subsection, the department shall be authorized to reinstate, instanter, a driver's license that was suspended pursuant to this Code section for a violation of Article 2 of Chapter 13 of Title 16, or the equivalent law of any other jurisdiction, that occurred prior to July 1, 2015, provided that the driver's license has not been previously reinstated. The provisions of this paragraph shall not apply to a suspension imposed pursuant to this Code section for a violation of paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391, or the equivalent law of any jurisdiction, that occurred prior to July 1, 2015, unless ordered by a judge presiding in a drug court division, mental health court division, veterans court division, or operating under the influence court division in accordance with subsection (a) of Code Section 40-5-76. ~~Notwithstanding any other provision of this chapter to the contrary, the suspension imposed pursuant to this Code section shall be in addition to and run consecutively to any other suspension imposed by the department at the time of the conviction that results in said suspension. If the person has never been issued a driver's license in the State of Georgia or holds a driver's license issued by another state, the person shall not be eligible for a driver's license for the applicable period of suspension following his or her submission of an application for issuance thereof.~~

(2) The department shall make a notation of a suspended driver's license that is reinstated pursuant to paragraph (1) of this subsection on a person's driving record, and such information shall be made available in accordance with Code Section 40-5-2.

(3) The driver's license or driving privileges of any person who has a driver's license reinstated in accordance with paragraph (1) of this subsection shall remain subject to any and all applicable disqualifications specified in Article 7 of this chapter.

(4) The department may promulgate rules and regulations as are necessary to implement this subsection."

SECTION 4-8.

Said chapter is further amended by revising Code Section 40-5-76, relating to restoration or suspension of defendant's driver's license or issuance of limited driving permit, as follows:

"40-5-76.

(a) A judge presiding in a drug court division, mental health court division, ~~or~~ veterans court division, or operating under the influence court division may order the department

to ~~restore~~ reinstate a defendant's driver's license that has been or should be suspended pursuant to Code Section 40-5-75, suspend such license, or issue a defendant a limited driving permit or ignition interlock device limited driving permit in accordance with the provisions set forth in subsections (c), (c.1), and (d) of Code Section 40-5-64 or with whatever conditions the court determines to be appropriate under the circumstances as a reward or sanction to the defendant's behavior in such court division. The court shall determine what fees, if any, shall be paid to the department for such reward or sanction, provided that such fee shall not be greater than the fee normally imposed for such services.

(b) A judge presiding in any court, other than the court divisions specified in subsection (a) of this Code section, may order the department to ~~restore~~ reinstate a defendant's driver's license that has been or should be suspended pursuant to Code Section 40-5-75 or issue a defendant a limited driving permit or ignition interlock device limited driving permit in accordance with the provisions set forth in subsections (c), (c.1), and (d) of Code Section 40-5-64 if the offense for which the defendant was convicted did not directly relate to the operation of a motor vehicle. The court shall determine what fees, if any, shall be paid to the department for the ~~restoration~~ reinstatement of such driver's license or issuance of such limited driving permit or ignition interlock device limited driving permit, provided that such fee shall not be greater than the fee normally imposed for such services. Such judge may also order the department to suspend a defendant's driver's license that could have been suspended pursuant to Code Section 40-5-75 as a consequence of the defendant's violation of the terms of his or her probation.

(c)(1) The department shall make a notation on a person's driving record when his or her driver's license was reinstated or suspended or he or she was issued a limited driving permit or ignition interlock device limited driving permit under this Code section, and such information shall be made available in accordance with Code Section 40-5-2.

(2) The driver's license of any person who has a driver's license reinstated or suspended in accordance with this Code section shall remain subject to any applicable disqualifications specified in Article 7 of this chapter.

(d) The department shall credit any time during which a defendant was issued a limited driving permit or ignition interlock device limited driving permit under subsection (a) of this Code section toward the fulfillment of the period of a driver's license suspension for which such permit was issued."

SECTION 4-9.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 40-5-121, relating to driving while license is suspended or revoked, as follows:

"(b)(1) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection (e) of Code Section 40-5-75, shall ~~extend the period of~~ impose an

additional suspension or disqualification ~~by~~ of six months. Upon the expiration of six months ~~from the date on which the suspension or disqualification is extended and payment of the applicable reinstatement fee~~, the department shall reinstate the license. The reinstatement fee for a first such conviction within a five-year period shall be $210.00 or $200.00 if paid by mail. The reinstatement fee for a second such conviction within a five-year period shall be $310.00 or $300.00 if paid by mail. The reinstatement fee for a third or subsequent such conviction within a five-year period shall be $410.00 or $400.00 if paid by mail."

PART V
REORGANIZATION WITHIN THE BOARD
AND DEPARTMENT OF COMMUNITY SUPERVISION
SECTION 5-1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising subsections (a), (b), and (j) of Code Section 42-3-2, relating to the creation of the Board of Community Supervision, as follows:

"(a) There is created the Board of Community Supervision which shall establish the general policy to be followed by the Department of Community Supervision ~~and the Governor's Office of Transition, Support, and Reentry~~. The powers, functions, and duties of the Board of Corrections as they exist on June 30, 2015, with regard to the probation division of the Department of Corrections and supervision of probationers unless otherwise provided in this chapter are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the State Board of Pardons and Paroles as they exist on June 30, 2015, with regard to the supervision of parolees, unless otherwise provided in this chapter are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the Board of Juvenile Justice and the Department of Juvenile Justice as they exist on June 30, 2016, with regard to the probation supervision of children and reentry services for children who have been released from restrictive custody and who were adjudicated for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, are transferred to the Board of Community Supervision effective July 1, 2016, except as otherwise provided by the rules and regulations of the Board of Juvenile Justice governing such supervision. The powers, functions, and duties of the County and Municipal Probation Advisory Council as they exist on June 30, 2015, are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the Governor's Office of Transition, Support, and Reentry as they exist on June 30, 2016, with regard to reentry services are transferred to the board and DCS effective July 1, 2016. The powers, functions, and duties of the board that were transferred from the former County and Municipal Probation Advisory Council as it existed on June 30, 2015, to the board are transferred to DCS effective July 1, 2016; provided, however, that the power to set policy and promulgate rules and regulations for DCS shall be retained by the board.

(b) The board shall consist of ~~nine~~ 11 members. The commissioner of corrections, commissioner of juvenile justice, chairperson and vice chairperson of the State Board of Pardons and Paroles, director of the Division of Family and Children Services of the Department of Human Services, and commissioner of behavioral health and developmental disabilities shall be members of the board and shall serve on the board so long as they remain in their appointed positions. The Governor shall appoint:

(1) A sheriff who shall serve an initial term ending June 30, 2019, each subsequent term being four years;

(2) A mayor or city manager who shall serve an initial term ending June 30, 2018, each subsequent term being four years; ~~and~~

(3) A county commissioner or county manager who shall serve an initial term ending June 30, 2017, each subsequent term being four years;

(4) An individual who owns or is employed by a private corporation, private enterprise, private agency, or other private entity that is providing probation supervision services pursuant to Article 6 of Chapter 8 of this title who shall serve an initial term ending June 30, 2019, each subsequent term being four years; and

(5) An individual who is employed by a governing authority of a county, municipality, or consolidated government that is providing probation supervision services pursuant to Article 6 of Chapter 8 of this title who shall serve an initial term ending June 30, 2018, each subsequent term being four years."

"(j) The board shall perform duties required of it by law and shall, in addition thereto, be responsible for promulgation of all rules and regulations not in conflict with this chapter that may be necessary and appropriate to the administration of DCS ~~and the Governor's Office of Transition, Support, and Reentry~~, to the accomplishment of the purposes of this chapter and Chapters 8 and 9 of this title, and to the performance of the duties and functions of DCS ~~and the Governor's Office of Transition, Support, and Reentry~~ as set forth in this chapter and Chapters 8 and 9 of this title."

SECTION 5-2.

Said title is further amended by revising subsection (a) of Code Section 42-3-3, relating to the creation of the Department of Community Supervision, as follows:

"(a) There is created the Department of Community Supervision. DCS shall be the agency primarily responsible for:

(1) Supervision of all defendants who receive a felony sentence of straight probation;

(2) Supervision of all defendants who receive a split sentence;

(3) Supervision of all defendants placed on parole or other conditional release from imprisonment by the State Board of Pardons and Paroles;

(4) Supervision of juvenile offenders ~~when such offender had been placed in~~ released from restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, ~~and is released from such custody~~ except as otherwise provided by the rules and regulations of the Board of Juvenile Justice governing such supervision;

(5) Administration of laws, rules, and regulations relating to probation and parole supervision, as provided for by law;

(6) Enforcement of laws, rules, and regulations relating to probation and parole supervision, as provided for by law; ~~and~~

(7) Administration of laws as provided in this chapter and Chapters 8 and 9 of this title;

(8) Regulating entities and individuals that provide probation supervision services pursuant to Article 6 of Chapter 8 of this title;

(9) Reviewing the uniform professional standards for private probation officers and uniform contract standards for private probation contracts established in Code Section 42-8-107 and submit a report with its recommendations to the board. DCS shall submit its initial report on or before January 1, 2018, and shall continue such reviews every two years thereafter. Such report shall provide information which will allow the board to review the effectiveness of the uniform professional standards and uniform contract standards and, if necessary, to revise such standards;

(10) Producing an annual summary report; and

(11) Administering laws, rules, and regulations relating to misdemeanor probation supervision pursuant to Article 6 of Chapter 8 of this title."

SECTION 5-3.

Said title is further amended by revising subsection (a) of Code Section 42-3-5, relating to the administrative functions of the Department of Community Supervision, as follows:

"(a) The commissioner, with the approval of the board, may establish units within DCS as he or she deems proper for its administration and shall designate persons to be assistant commissioners of each unit and to exercise authority as he or she may delegate to them in writing. The commissioner shall establish an offender transition and reentry unit within DCS to coordinate successful offender reentry in this state, reduce recidivism, enhance public safety through collaboration among stakeholders, and assist in ensuring the appropriate and responsible use of cost savings realized by justice reforms through reinvestment in evidence based, community centered services. The commissioner shall establish a misdemeanor probation unit within DCS to coordinate and oversee services provided under Article 6 of Chapter 8 of this title. The commissioner shall establish a victim services unit within DCS to coordinate:

(1) Payment of court ordered restitution; and

(2) Victim services, including, but not limited to, payments available to victims as provided by law and assisting victims with support services."

SECTION 5-4.

Said title is further amended by revising subsection (e) of Code Section 42-3-6, relating to rules and regulations, as follows:

"(e) The following rules and regulations shall remain in full force and effect as rules and regulations of DCS until amended, repealed, or superseded by rules or regulations adopted by the board:

(1) All rules and regulations previously adopted by the Advisory Council for Probation which relate to functions transferred under this chapter from the state-wide probation system to DCS;
(2) All rules and regulations previously adopted by the Department of Corrections or the Board of Corrections which relate to functions transferred under this chapter from the Department of Corrections to DCS;
(3) All rules and regulations previously adopted by the State Board of Pardons and Paroles which relate to functions transferred under this chapter from the State Board of Pardons and Paroles to DCS;
(4) All rules and regulations previously adopted by the Department of Juvenile Justice or the Board of Juvenile Justice which relate to functions transferred under this chapter from the Department of Juvenile Justice to DCS; ~~and~~
(5) All rules and regulations previously adopted by the County and Municipal Probation Advisory Council which relate to functions transferred under this chapter from the County and Municipal Probation Advisory Council to DCS; and
(6) All rules and regulations previously adopted by the Governor's Office of Transition, Support, and Reentry which relate to functions transferred under this chapter from the Governor's Office of Transition, Support, and Reentry to DCS."

SECTION 5-5.

Said title is further amended by revising subsection (a) of Code Section 42-3-7, relating to transfer of prior appropriations, personnel, equipment, and facilities, as follows:

"(a) Appropriations to the Department of Corrections, the Department of Juvenile Justice, the County and Municipal Probation Advisory Council, ~~and~~ the State Board of Pardons and Paroles, and the Governor's Office of Transition, Support, and Reentry for functions transferred to DCS pursuant to this chapter shall be transferred to DCS as provided for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed by the Department of Corrections, the Department of Juvenile Justice, the County and Municipal Probation Advisory Council, ~~and~~ the State Board of Pardons and Paroles, and the Governor's Office of Transition, Support, and Reentry for functions transferred to DCS pursuant to this chapter shall likewise be transferred to DCS. Any disagreement as to any of such transfers shall be resolved by the Governor. Any individual who is employed by the Department of Corrections as a probation officer or probation supervisor or by the State Board of Pardons and Paroles as a parole officer on or before July 1, 2016, and who is required by the terms of his or her employment to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' may remain in the employment of the employing agency but shall be transferred for administrative purposes only to DCS on July 1, 2015."

SECTION 5-6.

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

"42-3-10.

(a) In order to appeal a sanction imposed by the board, a person shall remit a request for a hearing, in writing by certified mail or statutory overnight delivery, return receipt requested, to the board within 30 days from the date of personal notice or receipt of the notice of the sanction; otherwise, the right to such hearing shall be deemed waived. The board shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' If the sanction is sustained, the person who received the sanction shall have a right to file for a judicial review of the final decision, as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; while such appeal is pending, the order of the board shall not be stayed. A petition for judicial review shall name the board as defendant, shall be served by certified mail or statutory overnight delivery, return receipt requested, and shall be filed in the superior court of the county where the offices of the board are located.

(b) Actions at law and in equity against the board or any of its members predicated upon omissions or acts done in a member's official capacity or under color thereof shall be brought in the superior court of the county where the offices of the board are located; provided, however, that nothing in this Code section shall be construed as waiving the immunity of the state to be sued without its consent."

SECTION 5-7.

Said title is further amended by repealing in its entirety Article 2 of Chapter 3, relating to successful transition and reentry of offender, and designating said article as reserved.

PART VI
FIRST OFFENDER TREATMENT,
RECORD RESTRICTION, AND CROSS-REFERENCES
PART VIA
SECTION 6A-1.

Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is amended by revising Article 3, relating to probation of first offenders, as follows:

"ARTICLE 3

42-8-60.

(a) When a defendant ~~Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, in the case of a defendant who~~ has not been previously convicted of a felony, the court may, upon a guilty verdict or plea of guilty or nolo contendere and before an adjudication of guilt, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and:

(1) Place ~~Defer further proceeding and place~~ the defendant on probation ~~as provided by law~~; or

(2) Sentence the defendant to a term of confinement ~~as provided by law~~.

~~(b) Upon violation by the defendant of the terms of probation, upon a conviction for another crime during the period of probation, or upon the court determining that the defendant is or was not eligible for sentencing under this article, the court may enter an adjudication of guilt and proceed as otherwise provided by law. No person may avail himself or herself of this article on more than one occasion.~~

~~(c)~~(b) The court shall not sentence a defendant under the provisions of this article ~~and, if sentenced under the provisions of this article, shall not discharge the defendant upon completion of the sentence~~ unless the court has reviewed the defendant's criminal record as such is on file with the Georgia Crime Information Center.

(c) When a court imposes a sentence pursuant to this article, it:

(1) Shall state in its sentencing order the prospective effective date of the defendant being exonerated of guilt and discharged as a matter of law, assuming the defendant successfully complies with its sentencing order, provided that such date may not have taken into account the awarding of credit for time served in custody; and

(2) May limit access to certain information as provided in subsection (b) of Code Section 42-8-62.1.

(d) The court may enter an adjudication of guilt and proceed to sentence the defendant as otherwise provided by law when the:

(1) Defendant violates the terms of his or her first offender probation;

(2) Defendant is convicted for another crime during the period of his or her first offender sentence; or

(3) Court determines that the defendant is or was not eligible for first offender sentencing under this article.

(e) A defendant sentenced pursuant to this article shall be exonerated of guilt and shall stand discharged as a matter of law as soon as the defendant:

(1) Completes the terms of his or her probation, which shall include the expiration of the sentence by virtue of the time frame of the sentence passing, provided that such sentence has not otherwise been tolled or suspended;

(2) Is released by the court under Code Section 42-8-37, 42-8-103, or 42-8-103.1 prior to the termination of the period of his or her probation; or

(3) Is released from confinement and parole, provided that the defendant is not serving a split sentence.

(f)(1) If the defendant is serving a first offender probated sentence, under active probation supervision or without supervision, within 30 days of such defendant completing active probation supervision, it shall be the duty of the Department of Community Supervision to notify, in writing, the clerk of court for the jurisdiction of the court which imposed the first offender sentence of such completion.

(2) If the defendant is serving a first offender probated sentence, under active probation supervision or without supervision, within 30 days of such defendant completing the term of probation or being released by the court prior to the termination of the period of probation, it shall be the duty of the Department of Community Supervision or entity or governing authority that is providing probation supervision services pursuant to Article 6 of this chapter, as applicable, to notify, in

writing, the clerk of court for the jurisdiction of the court which imposed the first offender sentence of such completion or release.

(3) If the defendant is serving a first offender probated sentence pursuant to Article 6 of this chapter, under active probation supervision or without supervision, within 30 days of such defendant completing the term of probation or being released by the court prior to the termination of the period of probation, it shall be the duty of the entity or governing authority that is providing probation supervision services pursuant to Article 6 of this chapter to notify, in writing, the clerk of court for the jurisdiction of the court which imposed the first offender sentence of such completion or release.

(4) If the defendant is not serving a first offender split sentence but is under parole supervision, within 30 days of such defendant completing the term of parole, it shall be the duty of the Department of Community Supervision to notify, in writing, the clerk of court for the jurisdiction of the court which imposed the first offender sentence of such completion.

(5) If the defendant was sentenced only to imprisonment as a first offender and not granted parole, within 30 days of such defendant being released from confinement, it shall be the duty of the Department of Corrections to notify, in writing, the clerk of court for the jurisdiction of the court which imposed the first offender sentence of such release.

(g) If the Department of Community Supervision fails to notify the clerk of court as provided in paragraph (2) or (4) of subsection (f) of this Code section, the entity or governing authority that is providing probation supervision services pursuant to Article 6 of this chapter fails to notify the clerk of court as provided in paragraph (2) or (3) of subsection (f) of this Code section, the Department of Corrections fails to notify the clerk of court as provided in paragraph (5) of subsection (f) of this Code section, or the state does not seek to have a first offender adjudicated guilty during the term of the first offender's sentence and the first offender's sentence has not otherwise been tolled or suspended, then the defendant shall be exonerated of guilt and shall stand discharged as a matter of law.

(h)(1) When the clerk of court receives for filing an order of exoneration of guilt and discharge or is notified by the Georgia Crime Information Center that a defendant has completed his or her first offender sentence or was discharged pursuant to subsection (g) of this Code section, it shall be the duty of the clerk of court to enter on the criminal docket, accusation or indictment, sentencing order, and any subsequent order modifying the original first offender sentencing order within 30 days of the receipt of such order or notification the following:

'Discharge filed completely exonerates the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties, except for registration requirements under the state sexual offender registry and except with regard to employment as specified in Code Section 42-8-63.1; and the defendant shall not be considered to have a criminal conviction. O.C.G.A. 42-8-60.'

(2) The entry required by paragraph (1) of this subsection shall be written or stamped in red ink, dated, and signed by the individual making such entry; provided, however,

that, if the criminal docket or court records are maintained electronically or using computer printouts, microfilm, or similar means, such entry shall be underscored, boldface, or made in a similar conspicuous manner, shall be dated, and shall include the name of the individual making such entry on the criminal docket, accusation or indictment, sentencing order, and any subsequent order modifying the original first offender sentencing order.

(i) Except for the registration requirements under the state sexual offender registry and except as otherwise provided in Code Section 42-8-63.1, the first offender exoneration of guilt and discharge shall completely exonerate the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties, and the defendant shall not be considered to have a criminal conviction.

~~(d)~~(j) The court shall not sentence a defendant under the provisions of this article who has been found guilty of or entered a plea of guilty or a plea of nolo contendere for:

(1) A serious violent felony as such term is defined in Code Section 17-10-6.1;

(2) A sexual offense as such term is defined in Code Section 17-10-6.2;

(3) Trafficking of persons for labor or sexual servitude as prohibited by Code Section 16-5-46;

(4) Neglecting disabled adults, elder persons, or residents as prohibited by Code Section 16-5-101;

(5) Exploitation and intimidation of disabled adults, elder persons, and residents as prohibited by Code Section 16-5-102;

~~(3)~~(6) Sexual exploitation of a minor as ~~defined in~~ prohibited by Code Section 16-12-100;

~~(4)~~(7) Electronically furnishing obscene material to a minor as ~~defined in~~ prohibited by Code Section 16-12-100.1;

~~(5)~~(8) Computer pornography and child exploitation~~, as defined in~~ as prohibited by Code Section 16-12-100.2; ~~or~~

~~(6)~~(9)(A) Any of the following offenses when such offense is committed against a law enforcement officer while such officer is engaged in the performance of his or her official duties:

(i) Aggravated assault in violation of Code Section 16-5-21;

(ii) Aggravated battery in violation of Code Section 16-5-24; or

(iii) Obstruction of a law enforcement officer in violation of subsection (b) of Code Section 16-10-24, if such violation results in serious physical harm or injury to such officer.

(B) As used in this paragraph, the term 'law enforcement officer' means:

(i) A "peace officer" as such term is defined in paragraph (8) of Code Section 35-8-2;

(ii) A law enforcement officer of the United States government;

(iii) An individual ~~A person~~ employed as a campus police officer or school security officer;

(iv) A conservation ranger; and

(v) A jail officer employed at a county or municipal jail; or

(10) Driving under the influence as prohibited by Code Section 40-6-391.

(k) When a defendant has not been previously convicted of a felony, the court may, after an adjudication of guilt, sentence the defendant pursuant to this article as provided in Code Section 42-8-66 or modify a sentence as provided in subsection (f) of Code Section 17-10-1 so as to allow a sentence pursuant to this article.

(l) A defendant shall not avail himself or herself of this article on more than one occasion.

42-8-61.

When a defendant is represented by an attorney, his or her attorney shall be responsible for informing the defendant as to his or her eligibility for sentencing as a first offender. When a defendant is pro se, the court shall inquire as to the defendant's interest in entering a plea pursuant to the terms of this article. If the defendant expresses a desire to be sentenced as a first offender, the court shall ask the prosecuting attorney or probation official if the defendant is eligible for sentencing as a first offender. When imposing a sentence, the court shall ensure that, if a defendant is sentenced as a first offender, he or she is made aware of the consequences of entering a first offender plea pursuant to the terms of this article.

42-8-62.

~~(a) Upon fulfillment of the terms of probation, upon release by the court prior to the termination of the period thereof, or upon release from confinement, the defendant shall be discharged without court adjudication of guilt. Except for the registration requirements under the state sexual offender registry and except as otherwise provided in Code Section 42-8-63.1, the discharge shall completely exonerate the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties; and the defendant shall not be considered to have a criminal conviction. It shall be the duty of the clerk of court to enter on the criminal docket and all other records of the court pertaining thereto the following:~~

~~'Discharge filed completely exonerates the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties, except for registration requirements under the state sexual offender registry and except with regard to employment providing care for minor children or elderly persons as specified in Code Section 42-8-63.1; and the defendant shall not be considered to have a criminal conviction. O.C.G.A. 42-8-62.'~~

~~Such entry shall be written or stamped in red ink, dated, and signed by the person making such entry or, if the docket or record is maintained using computer print-outs, microfilm, or similar means, such entry shall be underscored, boldface, or made in a similar conspicuous manner and shall be dated and include the name of the person making such entry. The criminal file, docket books, criminal minutes and final record, and all other records of the court relating to the offense of a defendant who has been discharged without court adjudication of guilt pursuant to this subsection shall not be altered as a result of that discharge, except for the entry of discharge thereon required~~

~~by this subsection, nor shall the contents thereof be expunged or destroyed as a result of that discharge.~~

~~(b) Should a person be~~ When an individual is placed ~~under~~ on probation or in confinement under this article, within 30 days of the filing of such sentence, the clerk of court shall transmit a record of the ~~same shall be forwarded~~ first offender sentence to the Georgia Crime Information Center. ~~Without request of the defendant a record of discharge and exoneration, as provided in this Code section, shall in every case be forwarded to the Georgia Crime Information Center. In every case in which the record of probation or confinement shall have been previously forwarded to the Department of Corrections, to the Georgia Crime Information Center, and to the Identification Division of the Federal Bureau of Investigation and a record of a subsequent discharge and exoneration of the defendant has not been forwarded as provided in this Code section, upon request of the defendant or his attorney or representative, the record of the same shall be forwarded by the clerk of court so as to reflect the discharge and exoneration.~~ The clerk shall also transmit any subsequent order or notification regarding a first offender's sentence, including, but not limited to, notification that the defendant completed active probation supervision, was released early from probation supervision, or completed the term of probation, notification that the defendant completed the term of prison or parole, an order revoking a first offender sentence, an order of exoneration of guilt and discharge, and tolling orders, to the Georgia Crime Information Center within 30 days of receiving such order for filing or notification.

42-8-62.1.

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

(1) 'Criminal history record information' shall have the same meaning as set forth in Code Section 35-3-30.

(2) 'Prosecuting attorney' shall have the same meaning as set forth in Code Section 35-3-37.

(3) 'Restrict,' 'restricted,' or 'restriction' shall have the same meaning as set forth in Code Section 35-3-37.

(b)(1) At the time of sentencing, the defendant may seek to limit public access to his or her first offender sentencing information, and the court may, in its discretion, order any of the following:

(A) Restrict dissemination of the defendant's first offender records;

(B) The criminal file, docket books, criminal minutes, final record, all other records of the court, and the defendant's criminal history record information in the custody of the clerk of court, including within any index, be sealed and unavailable to the public; and

(C) Law enforcement agencies, jails, or detention centers to restrict the defendant's criminal history record information of arrest, including any fingerprints or photographs taken in conjunction with such arrest.

(2) When considering the defendant's request under this subsection, the court shall weigh the public's interest in the defendant's criminal history record information being

publicly available and the harm to the defendant's privacy and issue written findings of fact thereupon.

(3) The court shall specify the date that such prohibited dissemination, sealing, and restrictions will take effect.

(c) An individual who has been exonerated of guilt and discharged pursuant to this article, including those individuals exonerated of guilt and discharged prior to July 1, 2016, may petition the court that granted such discharge for an order to seal and make unavailable to the public the criminal file, docket books, criminal minutes, final record, all other records of the court, and the defendant's criminal history record information in the custody of the clerk of court, including within any index. Notice of such petition shall be sent to the clerk of court and the prosecuting attorney. A notice sent by registered or certified mail or statutory overnight delivery shall be sufficient notice.

(d) Within 90 days of the filing of a petition pursuant to subsection (c) of this Code section, the court shall order the criminal file, docket books, criminal minutes, final record, all other records of the court, and the defendant's criminal history record information in the custody of the clerk of court, including within any index, to be sealed and made unavailable to the public if the court finds by a preponderance of the evidence that:

(1) An exoneration of guilt and discharge has been granted pursuant to this article; and

(2) The harm otherwise resulting to the privacy of the individual outweighs the public interest in the criminal history record information being publicly available.

(e) Within 60 days of the filing of the court's order under subsection (d) of this Code section, the clerk of court shall cause every document in connection with such individual's case, physical or electronic, in its custody, possession, or control to be sealed.

(f) When a court orders sealing of court records under subsection (d) of this Code section, the court may also order that records maintained by law enforcement agencies, jails, and detention centers be restricted and unavailable to the public. Such entities shall comply with such restriction within 30 days of receiving a copy of such order.

(g)(1) Information sealed or restricted pursuant to this Code section shall always be available for inspection, copying, and use:

(A) As provided in subsection (c) of Code Section 42-8-65;

(B) By the Judicial Qualifications Commission;

(C) By a prosecuting attorney or public defender who submits a sworn affidavit to the clerk of court that attests that such information is relevant to a criminal proceeding;

(D) Pursuant to a court order; and

(E) By an individual who is the subject of sealed court files or restricted criminal history record information upon court order.

(2) The confidentiality of such information shall be maintained insofar as practical.

42-8-63.

Except as ~~otherwise~~ provided in ~~this article~~ Code Section 42-8-63.1, a discharge under this article is not a conviction of a crime under the laws of this state and ~~may~~ shall not be used to disqualify ~~a person~~ an individual in any application for employment or appointment to office in either the public or private sector.

42-8-63.1.

(a) A discharge under this article may be used to disqualify ~~a person~~ an individual for employment if~~:~~

~~(1) The offender~~ the individual was discharged under this article ~~on or after~~ between July 1, 2004~~; and either~~, and June 30, 2016, and:

~~(2)~~(1) The employment is with a public school, private school, child welfare agency, or a person or entity that provides day care for minor children or after school care for minor children and the ~~defendant was discharged under this article after prosecution~~ individual who is the subject of the inquiry was prosecuted for the offense of child molestation, sexual battery, enticing a child for indecent purposes, sexual exploitation of a child, pimping, pandering, or incest;

~~(3)~~(2) The employment is with a long-term care facility as defined in Code Section 31-8-51 or a person or entity that offers day care for elderly persons and the ~~defendant was discharged under this article after prosecution~~ individual who is the subject of the inquiry was prosecuted for the offense of sexual battery, incest, pimping, or pandering~~,~~ or a violation of Article 8 of Chapter 5 of Title 16; or

~~(4)~~(3) The request for information is an inquiry about ~~a person~~ an individual who has applied for employment with a facility as defined in Code Section 37-3-1 or 37-4-2 that provides services to ~~persons~~ individuals who are mentally ill as defined in Code Section 37-1-1 or developmentally disabled as defined in Code Section 37-1-1~~,~~ and the ~~person~~ individual who is the subject of the inquiry ~~to the center~~ was prosecuted for the offense of sexual battery, incest, pimping, or pandering.

(b) A discharge under this article may be used to disqualify an individual for employment if the individual was discharged under this article on or after July 1, 2016, and:

(1) The employment is with a public school, private school, child welfare agency, or a person or entity that provides day care for minor children or after school care for minor children and the individual who is the subject of the inquiry was prosecuted for a violation of Title 16 in Article 5 of Chapter 5, Chapter 6, or Part 2 or 3 of Article 3 of Chapter 12;

(2) The employment is with a long-term care facility as defined in Code Section 31-8-51 or with a person or entity that offers day care for elderly persons and the individual who is the subject of the inquiry was prosecuted for a violation of Title 16 in Article 5 or 8 of Chapter 5; or

(3) The request for information is an inquiry about an individual who has applied for employment with a facility as defined in Code Section 37-3-1 or 37-4-2 that provides services to individuals who are mentally ill as defined in Code Section 37-1-1 or

developmentally disabled as defined in Code Section 37-1-1 and the individual who is the subject of the inquiry was prosecuted for a violation of Title 16 in Article 8 of Chapter 5 or Chapter 6.

~~(b)~~(c) Any discharge under this article may be used to disqualify ~~a person~~ an individual from acquiring or maintaining a peace officer certification as provided for in Chapter 8 of ~~Article 35 and also~~ Title 35, may disqualify ~~a person~~ an individual from employment in a certified position with a law enforcement unit, and may disqualify an individual from employment with the Georgia Peace Officer Standards and Training Council when ~~where~~ the discharge under this article pertained to a felony offense or a crime involving moral turpitude.

42-8-64.

A defendant sentenced pursuant to this article shall have the right to appeal in the same manner and with the same scope and same effect as if a judgment of conviction had been entered and appealed from.

42-8-65.

(a) If otherwise allowable by law, in ~~any~~ a subsequent prosecution of the defendant for ~~any other~~ another offense, ~~a~~ when a defendant has not been exonerated of guilt and discharged, the prior finding of guilt may be pleaded and proven as if an adjudication of guilt had been entered and relief had not been granted pursuant to this article.

(b) The records of the Georgia Crime Information Center ~~shall be modified, without a court order, to show a conviction in lieu of treatment as a first offender under this article whenever the conviction of a person for another crime during the term of probation is reported to the Georgia Crime Information Center. If a report is made showing that such person has been afforded first offender treatment under this article on more than one occasion, the Georgia Crime Information Center may report information on first offender treatments subsequent to the first such first offender treatment as if they were convictions. Such records may be disseminated by the Georgia Crime Information Center in the same manner and subject to the same restrictions as any other records of convictions~~ showing treatment as a first offender shall be modified only when a court of competent jurisdiction enters:

(1) An adjudication of guilt for the offense for which the offender has been sentenced as a first offender;

(2) An order modifying the sentence originally imposed; or

(3) An order correcting an exoneration of guilt and discharge entered pursuant to subsection (g) of Code Section 42-8-60.

(c)(1) Any individual ~~Notwithstanding any other provision of this article, any person~~ who is sentenced ~~to a term of confinement~~ pursuant to ~~paragraph (2) of~~ subsection (a) or (k) of Code Section 42-8-60 shall not be deemed to have been convicted ~~of the offense during such term of confinement for all purposes except that records thereof shall be treated as any other records of first offenders under this article and except that such presumption shall not continue after completion of such person's confinement~~

~~sentence. Upon completion of the confinement sentence, such person shall be treated in the same manner and the procedures to be followed by the court shall be the same as in the case of a person placed on probation under this article~~ during such sentence, and records thereof shall only be disseminated by the Georgia Crime Information Center:

(A) To criminal justice agencies, as such term is defined in Code Section 35-3-30;

(B) As authorized by subsection (c) of Code Section 35-3-37; and

(C) As authorized by subparagraph (a)(1)(B) of Code Sections 35-3-34 and 35-3-35.

(2) If a court of competent jurisdiction adjudicates the defendant guilty while such defendant is serving a first offender sentence, such records may be disseminated by the Georgia Crime Information Center as provided in Code Sections 35-3-34 and 35-3-35.

42-8-66.

(a) An individual who qualified for sentencing pursuant to this article but who was not informed of his or her eligibility for first offender treatment may, with the consent of the prosecuting attorney, petition the superior court in the county in which he or she was convicted for ~~discharge and~~ exoneration of guilt and discharge pursuant to this article.

(b) The court shall hold a hearing on the petition if requested by the petitioner or prosecuting attorney or desired by the court.

(c) In considering a petition pursuant to this Code section, the court may consider any:

(1) Evidence introduced by the petitioner;

(2) Evidence introduced by the prosecuting attorney; and

(3) Other relevant evidence.

(d) The court may issue an order retroactively granting first offender treatment and discharge the defendant pursuant to this article if the court finds by a preponderance of the evidence that the defendant was eligible for sentencing under the terms of this article at the time he or she was originally sentenced and the ends of justice and the welfare of society are served by granting such petition.

(e) The court shall send a copy of any order issued pursuant to this Code section to the petitioner, the prosecuting attorney, ~~and~~ the Georgia ~~Bureau of Investigation~~ Crime Information Center, and the Department of Driver Services. The Georgia ~~Bureau of Investigation~~ Crime Information Center and the Department of Driver Services shall modify ~~its~~ their records accordingly.

(f) This Code section shall not apply to a sentence that may be modified pursuant to subsection (f) of Code Section 17-10-1."

PART VIB

SECTION 6B-1.

Article 2 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to commitment hearings, is amended by revising Code Section 17-7-32, relating to the disposition of commitment form, warrant, and other papers, as follows:

"17-7-32.

(a) The commitment form shall be delivered to the officer in whose charge the accused person is placed, and the officer shall deliver it with the accused person to the sheriff or the other person in charge of the jail. A memorandum of the commitment shall be entered on the warrant by the judicial officer.

(b)(1) The warrant and all other papers shall be forwarded to the clerk of the ~~appropriate~~ court having jurisdiction over the offense for delivery to the prosecuting attorney. After such delivery, if the prosecuting attorney decides to dismiss the case prior to filing an accusation or without seeking an indictment, he or she shall file a notice of such fact with the clerk of the court having jurisdiction over the offense. Such notice shall include the warrant number, if any, and any other identifying number assigned to the case by the Georgia Crime Information Center. Within 30 days of receiving such notice, the clerk of court shall transmit a copy of such notice to the Georgia Crime Information Center.

(2) Nothing in this subsection shall prevent a prosecuting attorney who has probable cause from seeking charges against an accused within the applicable statute of limitations."

SECTION 6B-2.

Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, is amended in subsection (a) of Code Section 35-3-33, relating to the powers and duties of the center generally, by revising paragraph (10), by deleting "and" at the end of paragraph (15), by replacing the period with "; and" at the end of paragraph (16), and by adding a new paragraph (17) to read as follows:

"(10) Make available, upon request, to all local and state criminal justice agencies, all federal criminal justice agencies, and criminal justice agencies in other states any information in the files of the center which will aid these agencies in the performance of their official duties, including but not limited to final disposition of offenses; sentencing information and conditions; orders modifying an earlier disposition; orders relating to probation, including modification, tolling, completion of active probation supervision, termination, revocation, or completion of orders entered pursuant to Article 3 of Chapter 8 of Title 42; and orders relating to parole, including modification, tolling, termination, and revocation. For this purpose the center shall operate on a 24 hour basis, seven days a week. Such information when authorized by the council may also be made available to any other agency of the state or political subdivision of the state and to any other federal agency upon assurance by the agency concerned that the information is to be used for official purposes only in the prevention or detection of crime or the apprehension of criminal offenders;"

"(17) Notify the appropriate clerk of court that a defendant has completed his or her first offender sentence or was exonerated of guilt and discharged pursuant to

subsection (g) of Code Section 42-8-60 within five days of such completion or exoneration."

SECTION 6B-3.

Said article is further amended by revising subparagraphs (a)(1)(B) and (a)(1)(D) of Code Section 35-3-34, relating to disclosure and dissemination of criminal records to private persons and businesses, as follows:

"(B)(i) The center ~~may~~ shall not provide records of arrests, charges, ~~and~~ or sentences ~~for crimes relating to first offenders~~ when an individual has been sentenced pursuant to Article 3 of Chapter 8 of Title 42 ~~in cases where offenders have~~ and has been exonerated and discharged without court ~~adjudications~~ adjudication of guilt as a matter of law or pursuant to a court order, including records relating to such defendant's bench warrants, failure to appear, and probation for such offense, except as specifically authorized by Code Section ~~35-3-34.1 or other law~~ 42-8-63.1. The center shall not provide records of arrests, charges, or sentences when an individual has been sentenced as provided in Code Section 15-1-20, including records relating to such defendant's bench warrants, failure to appear, and probation for such offense, except as specifically authorized by Code Section 42-8-63.1.

(ii) During the period of time after a defendant, who has been sentenced pursuant to Article 3 of Chapter 8 of Title 42 but has not been exonerated and discharged without court adjudication of guilt as a matter of law or pursuant to a court order, has completed active probation supervision through the remainder of such sentence, the center shall not provide records of arrests, charges, or sentences except as specifically authorized by Code Section 42-8-63.1.

(iii) The center may provide records of arrests, charges, or sentences when an individual has been sentenced pursuant to Article 3 of Chapter 8 of Title 42 but has not been exonerated and discharged without court adjudication of guilt as a matter of law or pursuant to a court order, as specifically authorized by Code Section 42-8-63.1, while a defendant is under active probation supervision for such offense, or as provided in a court order;"

"(D) The center shall not provide records of arrests, charges, or dispositions when access has been restricted pursuant to Code Section 15-1-20, 35-3-37, or 42-8-62.1; or"

SECTION 6B-4.

Said article is further amended by revising Code Section 35-3-34.1, relating to circumstances when exonerated first offender's criminal record may be disclosed, as follows:

"35-3-34.1.

~~(a) Where an offender~~ When a defendant has been exonerated and discharged without court adjudication of guilt pursuant to Article 3 of Chapter 8 of Title 42, the center is authorized to provide the first offender's record of arrests, charges, or sentences ~~if the~~

~~offender was exonerated and discharged without a court adjudication of guilt on or after July 1, 2004, and either:~~ to the employers and entities and under the conditions set forth in Code Section 42-8-63.1.

~~(1) The request for information is an inquiry about a person who has applied for employment with a public school, private school, child welfare agency, or a person or entity that provides day care for minor children or after school care for minor children and the person who is the subject of the inquiry to the center was prosecuted for the offense of child molestation, sexual battery, enticing a child for indecent purposes, sexual exploitation of a child, pimping, pandering, or incest;~~

~~(2) The request for information is an inquiry about a person who has applied for employment with a long term care facility as defined in Code Section 31-8-51 or a person or entity that offers day care for elderly persons and the person who is the subject of the inquiry to the center was prosecuted for the offense of sexual battery, incest, pimping, pandering, or a violation of Article 8 of Chapter 5 of Title 16; or~~

~~(3) The request for information is an inquiry about a person who has applied for employment with a facility as defined in Code Section 37-3-1 or 37-4-2 that provides services to persons who are mentally ill as defined in Code Section 37-1-1 or developmentally disabled as defined in Code Section 37-1-1, and the person who is the subject of the inquiry to the center was prosecuted for the offense of sexual battery, incest, pimping, or pandering.~~

~~(b) First offender records including records of arrests, charges, or sentences may be released to any law enforcement unit and the Georgia Peace Officer Standards and Training Council where the request for information is an inquiry about a person who has applied for employment in a certified position or a person who is an applicant, candidate, or peace officer as defined in Code Section 35-8-2.~~"

SECTION 6B-5.

Said article is further amended in Code Section 35-3-35, relating to disclosure and dissemination of criminal records to public agencies and political subdivisions, by revising subparagraphs (a)(1)(B) and (a)(1)(C) and by adding a new subparagraph to paragraph (1) of subsection (a) to read as follows:

"(B)(i) The center ~~may~~ shall not provide records of arrests, charges, or sentences ~~for crimes relating to first offenders~~ when an individual has been sentenced pursuant to Article 3 of Chapter 8 of Title 42 ~~in cases where offenders have~~ and has been exonerated and discharged without court ~~adjudications~~ adjudication of guilt as a matter of law or pursuant to a court order, including records relating to such defendant's bench warrants, failure to appear, and probation for such offense, except as specifically authorized by Code Section ~~35-3-34.1 or other law; and~~ 42-8-63.1. The center shall not provide records of arrests, charges, or sentences when an individual has been sentenced as provided in Code Section 15-1-20, including records relating to such defendant's bench warrants, failure to appear, and probation for such offense, except as specifically authorized by Code Section 42-8-63.1.

(ii) During the period of time after a defendant, who has been sentenced pursuant to Article 3 of Chapter 8 of Title 42 but has not been exonerated and discharged without court adjudication of guilt as a matter of law or pursuant to a court order, has completed active probation supervision through the remainder of such sentence, the center shall not provide records of arrests, charges, or sentences except as specifically authorized by Code Section 42-8-63.1.

(iii) The center may provide records of arrests, charges, or sentences when an individual has been sentenced pursuant to Article 3 of Chapter 8 of Title 42 but has not been exonerated and discharged without court adjudication of guilt as a matter of law or pursuant to a court order, as specifically authorized by Code Section 42-8-63.1, while a defendant is under active probation supervision for such offense, or as provided in a court order;

(C) When the identifying information provided is sufficient to identify persons whose records are requested electronically, the center may disseminate electronically criminal history records of in-state felony convictions, pleas, and sentences without:

(i) Fingerprint comparison; or

(ii) Consent of the person whose records are requested; and

(D) The center shall not provide records of arrests, charges, or dispositions when access has been restricted pursuant to Code Section 15-1-20, 35-3-37, or 42-8-62.1;"

SECTION 6B-6.

Said article is further amended by revising subsections (b), (c), and (g) of Code Section 35-3-36, relating to the duties of state criminal agencies as to submission of fingerprints, photographs, or other identifying data to the center, as follows:

"(b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts, judges, clerks of court, community supervision officers, county or ~~department~~ Department of Juvenile Justice juvenile probation officers, probation officers and private probation officers serving pursuant to Article 6 of Chapter 8 of Title 42, wardens~~,~~ or other persons in charge of penal and correctional institutions in this state, the Georgia Superior Court Clerks' Cooperative Authority, and the State Board of Pardons and Paroles to furnish the center with any other data deemed necessary by the center to carry out its responsibilities under this article.

(c) All persons in charge of law enforcement agencies shall obtain or cause to be obtained fingerprints in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation, full-face and profile photographs if photo equipment is available, and other available identifying data of each person arrested or taken into custody for an offense of a type designated in paragraph (1) of subsection (a) of Code Section 35-3-33, of all persons arrested or taken into custody as fugitives from justice, and of all unidentified human corpses in their jurisdictions; but photographs need not be taken if it is known that photographs of the type listed taken within the previous year are on file. Fingerprints and other identifying data of persons arrested or taken into custody for offenses other than those designated

may be taken at the discretion of the law enforcement agency concerned. Any person arrested or taken into custody and subsequently released without charge or cleared of the offense through court proceedings shall have any fingerprint record taken in connection therewith returned ~~if required by statute~~ or deleted, as applicable, if the fingerprint record was taken in error or upon court order, and ~~any~~ such dispositions ~~must also~~ shall be reported to the center."

"(g) All persons in charge of law enforcement agencies, ~~all~~ clerks of court or the Georgia Superior Court Clerks' Cooperative Authority as applicable, ~~all~~ municipal judges ~~where they have no clerks~~ when such judges do not have a clerk, ~~all~~ magistrates, ~~and all~~ persons in charge of community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation offices, and the State Board of Pardons and Paroles shall ~~supply~~ transmit to the center ~~with~~ the information described in Code Section 35-3-33 within 30 days of the creation or receipt of such information, except as provided in subsection (d) of this Code section, on the basis of the forms and instructions to be ~~supplied~~ provided by the center."

SECTION 6B-7.

Said article is further amended by revising paragraph (6) of subsection (a), subsection (h), and paragraph (5) of subsection (j) of Code Section 35-3-37, relating to review of individual's criminal history record information, as follows:

"(6) 'Restrict,' 'restricted,' or 'restriction' means that the criminal history record information of an individual relating to a particular charge shall be available only to judicial officials and criminal justice agencies for law enforcement or criminal investigative purposes or to criminal justice agencies for purposes of employment in accordance with procedures established by the center and shall not be disclosed or otherwise made available to any private persons or businesses pursuant to Code Section 35-3-34 or to governmental agencies or licensing and regulating agencies pursuant to Code Section 35-3-35."

"(h) Access to an individual's criminal history record information, including any fingerprints or photographs of the individual taken in conjunction with the arrest, shall be restricted by the center for the following types of dispositions:

(1) Prior to indictment, accusation, or other charging instrument:

(A) The case was never referred for further prosecution to the proper prosecuting attorney by the arresting law enforcement agency and:

(i) The offense against such individual is closed by the arresting law enforcement agency. It shall be the duty of the head of the arresting law enforcement agency to notify the center whenever a record is to be restricted pursuant to this division within 30 days of such decision. A copy of the notice shall be sent to the accused and the accused's attorney, if any, by mailing the same by first-class mail within seven days of notifying the center; or

(ii) The center does not receive notice from the arresting law enforcement agency that the offense has been referred to the prosecuting attorney or transferred to another law enforcement or prosecutorial agency of this state, any other state or a

foreign nation, or any political subdivision thereof for prosecution and the following period of time has elapsed from the date of the arrest of such individual:

(I) If the offense is a misdemeanor or a misdemeanor of a high and aggravated nature, two years;

(II) If the offense is a felony, other than a serious violent felony or a felony sexual offense specified in Code Section 17-3-2.1 involving a victim under 16 years of age, four years; or

(III) If the offense is a serious violent felony or a felony sexual offense specified in Code Section 17-3-2.1 involving a victim under 16 years of age, seven years.

If the center receives notice of the filing of an indictment subsequent to the restriction of a record pursuant to this division, the center shall make such record available in accordance with Code Section 35-3-34 or 35-3-35. If the center does not receive notice of a charging instrument within 30 days of the applicable time periods set forth in this division, such record shall be restricted by the center for noncriminal justice purposes and shall be considered sealed.

(B) The case was referred to the prosecuting attorney but was later dismissed; ~~or~~

(C) The grand jury returned two no bills; ~~and~~ or

(D) The grand jury returned one no bill and the applicable time period set forth in division (ii) of subparagraph (A) of this paragraph has expired; and

(2) After indictment or accusation:

(A) Except as provided in subsection (i) of this Code section, all charges were dismissed or nolle prossed;

(B) The individual ~~pleaded guilty to or was found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug and~~ was sentenced in accordance with the provisions of subsection (a) or (c) of Code Section 16-13-2, and the individual successfully completed the terms and conditions of his or her probation;

(C) The individual pleaded guilty to or was found guilty of a violation of paragraph (2) or (3) of subsection (a) of Code Section 3-3-23 and was sentenced in accordance with the provisions of subsection (c) of Code Section 3-3-23.1, and the individual successfully completed the terms and conditions of his or her probation;

~~(C)~~(D) The individual successfully completed a drug court treatment program, mental health treatment program, or veterans treatment program, the individual's case has been dismissed or nolle prossed, and he or she has not been arrested ~~for at least five years~~ during such program, excluding any arrest for a nonserious traffic offense; or

~~(D)~~(E) The individual was acquitted of all of the charges by a judge or jury unless, within ten days of the verdict, the prosecuting attorney demonstrates to the trial court through clear and convincing evidence that the harm otherwise resulting to the individual is clearly outweighed by the public interest in the criminal history record information being publicly available because either:

(i) The prosecuting attorney was barred from introducing material evidence against the individual on legal grounds, including, without limitation, the granting of a motion to suppress or motion in limine; or

(ii) The individual has been formally charged with the same or similar offense within the previous five years."

"(5) ~~Any party may file an appeal of an order entered pursuant to this subsection as provided in Code Section 5-6-34.~~ When an individual was arrested on a fugitive from justice warrant as provided in Code Section 17-13-4, such individual may petition the superior court in the county where the arrest occurred to restrict access to criminal history record information for such warrant. Such court shall maintain jurisdiction over the case for this limited purpose and duration. Such petition shall be served on the arresting law enforcement agency and the prosecuting attorney. If a hearing is requested, such hearing shall be held within 90 days of the filing of the petition. The court shall hear evidence and shall grant an order restricting such criminal history record information if the court determines that circumstances warrant restriction and that the harm otherwise resulting to the individual clearly outweighs the public interest in the criminal history record information being publicly available."

SECTION 6B-8.

Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is amended by revising paragraph (3) of subsection (a) of Code Section 42-8-36, relating to the duty of a probationer to inform his or her probation officer of residence and whereabouts and tolling, as follows:

"(3) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer shall personally report to the officer, is taken into custody in this state, or is otherwise available to the court. The clerk of court shall transmit a copy of a tolling order to the Georgia Crime Information Center within 30 days of the filing of such order."

SECTION 6B-9.

Said chapter is further amended by revising subsection (d) of Code Section 42-8-105, relating to a probationer's obligation to keep his or her probation officer informed of certain information, as follows:

"(d) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer personally reports to the probation officer or private probation officer, as the case may be, is taken into custody in this state, or is otherwise available to the court, whichever event first occurs. The clerk of court, or judge of any court when there is no clerk of court, shall transmit a copy of a tolling order to the Georgia Crime Information Center within 30 days of the filing of such order."

PART VIC

SECTION 6C-1.

Code Section 10-1-393.5 of the Official Code of Georgia Annotated, relating to prohibited telemarketing, Internet activities, and home repair, is amended by revising division (b.1)(1)(B)(i) as follows:

"(i) Access to his or her case or charges was restricted pursuant to Code Section 15-1-20, 35-3-37, or 42-8-62.1;"

SECTION 6C-2.

Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to possession of firearms by convicted felons and first offender probationers, is amended by revising subsection (f) as follows:

"(f) Any person placed on probation as a first offender pursuant to Article 3 of Chapter 8 of Title 42 and subsequently discharged without court adjudication of guilt as a matter of law pursuant to Code Section ~~42-8-62~~ 42-8-60 shall, upon such discharge, be relieved from the disabilities imposed by this Code section."

PART VII
MISDEMEANOR PROBATION SERVICES
SECTION 7-1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Code Section 42-8-100, relating to definitions for county and municipal probation, as follows:

"42-8-100.

As used in this article, the term:

(1) 'Board' means the Board of Community Supervision.

(2) 'DCS' means the Department of Community Supervision.

~~(2)~~(3) 'Private probation officer' means an individual employed by a private corporation, private enterprise, private agency, or other private entity to supervise defendants placed on probation by a court for committing an ordinance violation or misdemeanor.

~~(3)~~(4) 'Probation officer' means an individual employed by a governing authority of a county, municipality, or consolidated government to supervise defendants placed on probation by a court for committing an ordinance violation or misdemeanor."

SECTION 7-2

Said title is further amended by revising Code Section 42-8-101, relating to agreements for probation services, as follows:

"42-8-101.

(a)(1) ~~The~~ Upon the request of the chief judge of any court within a county and with the express written consent of such judge, ~~with the approval of~~ the governing authority of such county~~,~~ shall be authorized to enter into written contracts with corporations, enterprises, or agencies to provide probation supervision, counseling,

collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation in such county. In no case shall a private probation corporation or enterprise be charged with the responsibility for supervising a felony sentence. The final contract negotiated by the ~~chief judge~~ governing authority of the county with the private probation entity shall be attached to the approval by the governing authority of the county to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection ~~shall~~ may be initiated by the chief judge of the court which ~~entered into the~~ is subject to such contract~~,~~ and shall be subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) ~~The~~ Upon the request of the chief judge of any court within a county and with the express written consent of such judge, ~~with the approval of~~ the governing authority of such county~~, is~~ shall be authorized to establish a county probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation in such county.

(b)(1) ~~The~~ Upon the request of the judge of the municipal court of any municipality or consolidated government of a municipality and county of this state and with the express written consent of such judge, ~~with the approval of~~ the governing authority of such municipality or consolidated government~~, is~~ shall be authorized to enter into written contracts with private corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation. The final contract negotiated by the ~~judge~~ governing authority of the municipality or consolidated government with the private probation entity shall be attached to the approval by the governing authority of the municipality or consolidated government to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection ~~shall~~ may be initiated by the chief judge of the court which ~~entered into the~~ is subject to such contract and shall be subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) ~~The~~ Upon the request of the judge of the municipal court of any municipality or consolidated government of a municipality and county of this state and with the express written consent of such judge, ~~with the approval of~~ the governing authority of such municipality or consolidated government~~, is~~ shall be authorized to establish a

probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation."

SECTION 7-3.

Said title is further amended by revising subsection (f) of Code Section 42-8-102, relating to probation, supervision, and revocation, as follows:

"(f)(1) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. As further set forth in this subsection, the judge may revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including tolling the sentence as provided in this article, at any time during the period of time originally prescribed for the probated sentence to run.

(2)(A) When the sole basis for a probation revocation is for failure to pay fines, statutory surcharges, or probation supervision fees, the probationer shall be scheduled to appear on the court's next available court calendar for a hearing on such issue. No prehearing arrest warrant shall be issued under such circumstances. Absent a waiver, the court shall not revoke a probationary sentence for failure to pay fines, statutory surcharges, or probation supervision fees without holding a hearing, inquiring into the reasons for the probationer's failure to pay, and, if a probationary sentence is revoked, making an express written determination that the probationer has not made sufficient bona fide efforts to pay and the probationer's failure to pay was willful or that adequate alternative types of punishment do not exist. Should the probationer fail to appear at such hearing, the court may, in its discretion, revoke the probated sentence.

~~(3)~~(B) A person otherwise found eligible to have his or her probation modified or terminated pursuant to paragraph (1) of this subsection shall not be deemed ineligible for modification or termination of probation solely due to his or her failure to pay fines, statutory surcharges, or probation supervision fees.

(3)(A) When the sole basis for a probation revocation is for failure to report as directed by his or her probation officer or private probation officer, as the case may be, such officer shall prepare an affidavit for the court, averring, at a minimum, that:

(i) The probationer has failed to report to his or her probation officer or private probation officer, as the case may be, on at least two occasions;

(ii) The officer has attempted to contact the probationer at least two times by telephone or e-mail at the probationer's last known telephone number or e-mail address, which information shall be listed in the affidavit;

(iii) The officer has checked the local jail rosters and determined that the probationer is not incarcerated;

(iv) The officer has sent a letter by first-class mail to the probationer's last known address, which shall be listed in the affidavit, advising the probationer that the officer will seek to have the probationer arrested and have his or her probation revoked if the probationer does not report to such officer in person within ten days of the date on which the letter was mailed; and

(v) The probationer has failed to report to the probation officer or private probation officer, as the case may be, as directed in the letter set forth in division (iv) of this subparagraph and ten days have passed since the date on which the letter was mailed.

(B) In the event the probationer reports to his or her probation officer or private probation officer, as the case may be, within the period prescribed in division (iv) of subparagraph (A) of this paragraph, the probationer may be scheduled to appear on the next available court calendar for a hearing to consider whether the probation sentence should be revoked in whole or in part.

(C) A probation officer or private probation officer, as the case may be, shall submit the affidavit required by subparagraph (A) of this paragraph together with his or her request for an arrest warrant, and the court may, in its discretion, issue a warrant for the arrest of the probationer.

(4) At any revocation hearing, upon proof that the probationer has violated probation:

(A) For failure to report to probation or failure to pay fines, statutory surcharges, or probation supervision fees, the court shall consider the use of alternatives to confinement, including community service, modification of the terms of probation, or any other alternative deemed appropriate by the court. The court shall consider whether a failure to pay court imposed financial obligations was willful. In the event an alternative is not warranted, the court shall revoke the balance of probation or a period not to exceed 120 days in confinement, whichever is less; and

(B) For failure to comply with any other general provision of probation or suspension, the court shall consider the use of alternatives to confinement, including community service or any other alternative deemed appropriate by the court. In the event an alternative is not warranted, the court shall revoke the balance of probation or a period not to exceed two years in confinement, whichever is less."

SECTION 7-4.

Said title is further amended by revising subsection (b) of and adding a new subsection to Code Section 42-8-103, relating to pay-only probation, to read as follows:

"(b) When pay-only probation is imposed, the probation supervision fees shall be capped so as not to exceed three months of ordinary probation supervision fees notwithstanding the number of cases for which a fine and statutory surcharge were imposed or that the defendant was sentenced to serve consecutive sentences; provided, however, that collection of any probation supervision fee shall terminate as soon as all court imposed fines and statutory surcharges are paid in full; and provided, further, that when all such fines and statutory surcharges are paid in full, the probation officer or private probation officer, as the case may be, shall submit an order to the court

terminating the probated sentence within 30 days of fulfillment of such conditions. The court shall terminate such probated sentence or issue an order stating why such probated sentence shall continue."

"(d) When a defendant is serving pay-only probation, upon motion by the defendant, the court may discharge such defendant from further supervision or otherwise terminate probation when it is satisfied that its action would be in the best interest of justice and the welfare of society."

SECTION 7-5.

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

"42-8-103.1.

(a) When a defendant is serving consecutive misdemeanor sentences, whether as a result of one case from one jurisdiction or multiple cases from multiple jurisdictions, upon motion by the defendant, the court may discharge such defendant from further supervision or otherwise terminate probation when it is satisfied that its action would be in the best interest of justice and the welfare of society. Such motion shall not be ripe until 12 months after the sentence was entered and every four months thereafter. The defendant shall serve the applicable entity or governing authority that is providing his or her probation services with a copy of such motion.

(b) When a defendant is serving consecutive misdemeanor sentences, his or her probation officer or private probation officer, as the case may be, shall review such case after 12 consecutive months of probation supervision wherein the defendant has paid in full all court imposed fines, statutory surcharges, and restitution and has otherwise completed all testing, evaluations, and rehabilitative treatment programs ordered by the court to determine if such officer recommends early termination of probation. Each such case shall be reviewed every four months thereafter for the same determination until the termination, expiration, or other disposition of the case. If such officer recommends early termination, he or she shall immediately submit an order to the court to effectuate such purpose."

SECTION 7-6.

Said title is further amended by revising subparagraph (b)(1)(D) of Code Section 42-8-105, relating to the probationer's obligation to keep an officer informed of certain information and tolling, as follows:

"(D) The officer has sent a letter by first-class mail to the probationer's last known address, which shall be listed in the affidavit, advising the probationer that the officer will seek a tolling order if the probationer does not report to such officer~~, either by telephone or~~ in person~~,~~ within ten days of the date on which the letter was mailed; and"

SECTION 7-7.

Said title is further amended by revising Code Section 42-8-106, relating to the creation of the advisory council, as follows:

"42-8-106.

~~(a)~~ There is created ~~an~~ a judicial advisory ~~council~~ committee with respect to the provisions of this article composed of one superior court judge designated by The Council of Superior Court Judges of Georgia, one state court judge designated by The Council of State Court Judges of Georgia, one municipal court judge designated by the Council of Municipal Court Judges of Georgia, one probate court judge designated by The Council of Probate Court Judges of Georgia, one magistrate designated by the Council of Magistrate Court Judges, one attorney who specializes in criminal defense appointed by the Governor, one probation officer appointed by the Governor, and one private probation officer or individual with expertise in private probation services by virtue of his or her training or employment appointed by the Governor. The appointing authority shall determine the length of its appointee's term serving on such ~~council~~ committee. The judicial advisory committee shall provide advice and consultation to the board and DCS on matters relating to this article. The judicial advisory ~~council~~ committee shall elect a chairperson from among its membership and such other officers as it deems necessary.

42-8-106.1.

~~(b)~~ The board shall have the following powers and duties~~;~~, provided that, with respect to promulgating the rules, regulations, and standards set forth in this subsection, the board shall ~~act only upon consultation with and approval by the advisory board~~ seek input from the commissioner of community supervision:

~~(1) To review the uniform professional standards for private probation officers and uniform contract standards for private probation contracts established in Code Section 42-8-107 and submit a report with its recommendations to the General Assembly;~~

~~(2)~~(1) To promulgate rules and regulations to implement ~~those~~ the uniform professional standards for probation officers and uniform ~~agreement~~ contract standards for the establishment of probation services by a county, municipality, or consolidated government established in Code Section 42-8-107;

~~(3)~~(2) To promulgate rules and regulations establishing a 40 hour initial orientation for newly hired private probation officers and for 20 hours per annum of continuing education for private probation officers, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a basic course of training for supervision of probationers or parolees certified by the Georgia Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996;

~~(4)~~(3) To promulgate rules and regulations establishing a 40 hour initial orientation for probation officers and for 20 hours per annum of continuing education for such probation officers, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a basic course of training for supervision of probationers or parolees certified by the Georgia Peace Officer Standards and

Training Council or any probation officer who has been employed by a county, municipality, or consolidated government as of March 1, 2006;

~~(5)~~(4) To promulgate rules and regulations relative to compliance with the provisions of this article~~,~~ and enforcement mechanisms ~~that may include, but are not limited to, the imposition of sanctions and fines and the voiding of contracts or agreements~~;

~~(6)~~(5) To promulgate rules and regulations establishing registration for any private corporation, private enterprise, private agency, county, municipality, or consolidated government providing probation services under the provisions of this article, subject to the provisions of Code Section 42-8-109.3;

~~(7) To produce an annual summary report;~~

~~(8)~~(6) To promulgate rules and regulations requiring criminal history record checks of individuals seeking to become private probation officers and establishing procedures for such criminal record checks. ~~The Department of Community Supervision~~ DCS on behalf of the board shall conduct a criminal history records check for individuals seeking to become probation officers as provided in Code Section 35-3-34. The board shall promulgate rules and regulations relating to restrictions regarding misdemeanor convictions. An agency or private entity shall also be authorized to conduct a criminal history ~~background~~ records check of a person employed as a probation officer or private probation officer or individuals seeking such positions. The criminal history records check may be conducted in accordance with Code Section 35-3-34 and may be based upon the submission of fingerprints of the individual whose records are requested. The Georgia Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the requesting entity or agency;

~~(9) To create committees from among the membership of the board as well as appoint other persons to serve in an advisory capacity to the board in implementing this article; and~~

~~(10)~~(7) To promulgate rules and regulations requiring probation officers and private probation officers to be registered with ~~the board~~ DCS, pay a fee for such registration, and provide for the ~~imposition of~~ board to impose sanctions and fines on such officers for misconduct; and

(8) To impose sanctions for noncompliance with this article or the board's rules and regulations."

SECTION 7-8.

Said title is further amended by revising subsections (a), (c), and (d) of Code Section 42-8-107, relating to uniform professional standards and uniform contract standards, as follows:

"(a) The uniform professional standards contained in this subsection shall be met by any person employed as and using the title of a private probation officer or probation officer. Any such person shall be at least 21 years of age at the time of appointment to

the position of private probation officer or probation officer and shall have completed a standard two-year college course or have four years of law enforcement experience; provided, however, that any person employed as a private probation officer as of July 1, 1996, and who had at least six months of experience as a private probation officer or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006, shall be exempt from such college requirements. Every private probation officer shall receive an initial 40 hours of orientation upon employment and shall receive 20 hours of continuing education per annum as approved by ~~the board~~ DCS, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a basic course of training for supervision of probationers or parolees certified by the Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996, or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006. In no event shall any person convicted of a felony be employed as a probation officer or private probation officer."

"(c) The uniform contract standards contained in this subsection shall apply to all counties, municipalities, and consolidated governments that enter into agreements ~~with a judge~~ to provide probation services under the authority of Code Section 42-8-101. The terms of any such agreement shall state at a minimum:

(1) The extent of the services to be rendered by the local governing authority providing probation services;

(2) Any requirements for staff qualifications, including those contained in this Code section;

(3) Requirements for criminal record checks of staff in compliance with the rules and regulations established by the board;

(4) Policies and procedures for the training of staff that comply with the rules and regulations established by the board;

(5) Staffing levels and standards for offender supervision, including frequency and type of contacts with offenders;

(6) Procedures for handling the collection of all court ordered fines, fees, and restitution;

(7) Circumstances under which revocation of an offender's probation may be recommended;

(8) Reporting and record-keeping requirements; and

(9) Default and agreement termination procedures.

~~(d) The board shall review the uniform professional standards and uniform contract and agreement standards contained in this Code section and shall submit a report on its findings to the General Assembly. The board shall submit its initial report on or before January 1, 2017, and shall continue such reviews every two years thereafter. Nothing contained in such report shall be considered to authorize or require a change in such standards without action by the General Assembly having the force and effect of law. Such report shall provide information which will allow the General Assembly to review~~

~~the effectiveness of the minimum professional standards and, if necessary, to revise such standards. This subsection shall not be interpreted to prevent the board from making recommendations to the General Assembly prior to its required review and report.~~"

SECTION 7-9.

Said title is further amended by revising Code Section 42-8-108, relating to quarterly reporting to the judge, as follows:

"42-8-108.

(a) Any private corporation, private enterprise, or private agency contracting to provide probation services or any county, municipality, or consolidated government entering into an agreement under the provisions of this article shall provide to the judge ~~with whom the~~ who consented to such contract or agreement ~~was made~~ and ~~the board~~ DCS a quarterly report summarizing the number of offenders under supervision; the amount of fines, statutory surcharges, and restitution collected; the amount of fees collected and the nature of such fees, including probation supervision fees, rehabilitation programming fees, electronic monitoring fees, drug or alcohol detection device fees, substance abuse or mental health evaluation or treatment fees if such services are provided directly or otherwise to the extent such fees are known, and drug testing fees; the number of community service hours performed by probationers under supervision; a listing of any other service for which a probationer was required to pay to attend; the number of offenders for whom supervision or rehabilitation has been terminated and the reason for the termination; and the number of warrants issued during the quarter, in such detail as ~~the board~~ DCS may require. Information reported pursuant to this subsection shall be annually submitted to the governing authority that entered into such contract and thereafter be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50. Local governments are encouraged to post electronic copies of the annual report on the local government's website, if such website exists.

(b) All records of any private corporation, private enterprise, or private agency contracting to provide services or of any county, municipality, or consolidated government entering into an agreement under the provisions of this article shall be open to inspection upon the request of the affected county, municipality, consolidated government, court, the Department of Audits and Accounts, an auditor appointed by the affected county, municipality, or consolidated government, Department of Corrections, ~~Department of Community Supervision~~ DCS, State Board of Pardons and Paroles, or the board."

SECTION 7-10.

Said title is further amended by revising Code Section 42-8-109.2, relating to confidentiality of records, as follows:

"42-8-109.2.

(a) Except as provided in subsection (a) of Code Section 42-8-108 and subsection (b) of this Code section, all reports, files, records, and papers of whatever kind relative to

the supervision of probationers by a private corporation, private enterprise, or private agency contracting under the provisions of this article or by a county, municipality, or consolidated government providing probation services under this article are declared to be confidential and shall be available only to the affected county, municipality, or consolidated government, or an auditor appointed by such county, municipality, or consolidated government, the judge handling a particular case, the Department of Audits and Accounts, Department of Corrections, ~~Department of Community Supervision~~ DCS, State Board of Pardons and Paroles, or the board.

(b)(1) Any probationer under supervision under this article shall:

(A) Be provided with a written receipt and a balance statement each time he or she makes a payment;

(B) Be permitted, upon written request, to have a copy of correspondence, payment records, and reporting history from his or her probation file, one time, and thereafter, he or she shall be required to pay a fee as set by ~~the board~~ DCS; provided, however, that the board shall promulgate rules and regulations clarifying what confidential information may be withheld from such disclosure; and

(C) Be permitted, upon written request to ~~the board~~ DCS, to have a copy of the supervision case notes from his or her probation file when the commissioner of community supervision authorizes the release of such information in a written order; provided, however, that the board shall promulgate rules and regulations clarifying what confidential information may be withheld from such disclosure.

(2) When a probationer claims that information is being improperly withheld from his or her file, the probationer may file a motion with the sentencing court seeking an in camera inspection of such file. The probationer shall serve such motion on the prosecuting attorney and probation officer or private probation officer as appropriate.

(3) The following shall be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50:

(A) The board's rules and regulations regarding contracts or agreements for the provision of probation services;

(B) The board's rules and regulations regarding the conduct of business by private entities providing probation services as authorized by this article;

(C) The board's rules and regulations regarding county, municipal, or consolidated governments establishing probation systems as authorized by this article; and

(D) The rules, regulations, operating procedures, and guidelines of any private corporation, private enterprise, or private agency providing probation services under the provisions of this article.

(c) In the event of a transfer of the supervision of a probationer from a private corporation, private enterprise, or private agency or county, municipality, or consolidated government providing probation services under this article to ~~the Department of Community Supervision, the Department of Community Supervision~~ DCS, DCS shall have access to any relevant reports, files, records, and papers of the transferring entity."

SECTION 7-11.

Said title is further amended by revising Code Section 42-8-109.3, relating to registration with the board, as follows:

"42-8-109.3.

(a)(1) All private corporations, private enterprises, and private agencies contracting or offering to contract for probation services shall register with ~~the board~~ DCS before entering into any contract to provide services. Any private corporation, private enterprise, or private agency registered with ~~the County and Municipal Probation Advisory Council~~ the board on or before June 30, ~~2015~~ 2016, shall be deemed registered with ~~the board~~ DCS; provided, however, that ~~the board~~ DCS shall be authorized to review such contract and shall be responsible for subsequent renewals or changes to such contract. The information included in such registration shall include the name of the corporation, enterprise, or agency, its principal business address and telephone number, the name of its agent for communication, and other information in such detail as ~~the board~~ DCS may require. No registration fee shall be required.

(2) Any private corporation, private enterprise, or private agency required to register under the provisions of paragraph (1) of this subsection which fails or refuses to do so shall be subject to revocation of any existing contracts, in addition to any other fines or sanctions imposed by the board.

(b)(1) All counties, municipalities, and consolidated governments agreeing or offering to agree to establish a probation system shall register with ~~the board~~ DCS before entering into an agreement ~~with the court~~ to provide services. Any county, municipality, or consolidated government that has a probation system registered with the ~~County and Municipal Probation Advisory Council~~ board on or before June 30, ~~2015~~ 2016, shall be deemed registered with ~~the board~~ DCS; provided, however, that ~~the board~~ DCS shall be authorized to review such systems and shall be responsible for subsequent renewals or changes to such systems. The information included in such registration shall include the name of the county, municipality, or consolidated government, the principal business address and telephone number, a contact name for communication with ~~the board~~ DCS, and other information in such detail as ~~the board~~ DCS may require. No registration fee shall be required.

(2) Any county, municipality, or consolidated government required to register under the provisions of paragraph (1) of this subsection which fails or refuses to do so shall be subject to revocation of existing agreements, in addition to any other sanctions imposed by the board."

SECTION 7-12.

Said title is further amended by revising paragraph (1) of subsection (a) and paragraph (1) of subsection (b) of Code Section 42-8-109.4, relating to the applicability of the article to contractors for probation services, as follows:

"(1) Register with ~~the board~~ DCS;"

"(1) Register with ~~the board~~ DCS;"

PART VIII
PROVIDING FOR MISCELLANEOUS
CROSS-REFERENCES IN TITLE 42
SECTION 8-1.

Said title is further amended by revising subsection (e) of Code Section 42-1-14, relating to risk assessment classification, as follows:

"(e) Any sexually dangerous predator shall be required to wear an electronic monitoring system that shall have, at a minimum:

(1) The capacity to locate and record the location of a sexually dangerous predator by a link to a global positioning satellite system;

(2) The capacity to timely report or record a sexually dangerous predator's presence near or within a crime scene or in a prohibited area or the sexually dangerous predator's departure from specific geographic locations; and

(3) An alarm that is automatically activated and broadcasts the sexually dangerous predator's location if the global positioning satellite monitor is removed or tampered with by anyone other than a law enforcement official designated to maintain and remove or replace the equipment.

Such electronic monitoring system shall be worn by a sexually dangerous predator for the remainder of his or her natural life. The sexually dangerous predator shall pay the cost of such system to the Department of Community ~~Service~~ Supervision if the sexually dangerous predator is under probation or parole supervision and to the sheriff after the sexually dangerous predator completes his or her term of probation and parole or if the sexually dangerous predator has moved to this state from another state, territory, or country. The electronic monitoring system shall be placed upon the sexually dangerous predator prior to his or her release from confinement. If the sexual offender is not in custody, within 72 hours of the decision classifying the sexual offender as a sexually dangerous predator in accordance with subsection (b) of this Code section, the sexually dangerous predator shall report to the sheriff of the county of his or her residence for purposes of having the electronic monitoring system placed on the sexually dangerous predator."

SECTION 8-2.

Said title is further amended by revising subsection (i) of Code Section 42-2-11, relating to the powers and duties of the Board of Corrections, as follows:

"(i) The board shall have the authority to request bids and proposals and to enter into contracts for the operation of probation detention centers by private companies and entities for the confinement of probationers under Code Section 42-8-35.4 ~~and probation diversion centers for the confinement of probationers under Code Section 42-8-35.5~~. The board shall have the authority to adopt, establish, and promulgate rules and regulations for the operation of probation detention ~~and probation diversion~~ centers by private companies and entities."

SECTION 8-3.

Said title is further amended by revising paragraph (4) of subsection (a) of Code Section 42-2-15, relating to the employee benefit fund, as follows:

"(4) 'Facility' means a prison, institution, detention center, ~~diversion center,~~ or such other similar property under the jurisdiction or operation of the department."

SECTION 8-4.

Said title is further amended by revising subsection (g) of Code Section 42-8-34, relating to sentencing hearings and determinations, as follows:

"(g) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of the person's probated sentence. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including ordering the probationer into the sentencing options system, as provided in Article 6 of Chapter 3 of this title, at any time during the period of time prescribed for the probated sentence to run. In addition, when the judge is considering revoking a probated sentence in order to require the defendant to enter a drug court division, mental health court division, family treatment court division, or veterans court division and the length of the original sentence is insufficient to authorize such revocation, the defendant may voluntarily agree to an extension of his or her original sentence within the maximum sentence allowed by law, notwithstanding subsection (f) of Code Section 17-10-1. Such extension shall be for a period not to exceed three years, and upon completion of such specific court division program, the court may modify the terms of probation in accordance with subparagraph (a)(5)(A) of Code Section 17-10-1."

SECTION 8-5.

Said title is further amended by revising subsection (c) of Code Section 42-8-34.1, relating to revocation of probated or suspended sentence, as follows:

"(c) At any revocation hearing, upon proof that the defendant has violated any general provision of probation or suspension other than by commission of a new felony offense, the court shall consider the use of alternatives to include community service, ~~diversion centers,~~ probation detention centers, special alternative incarceration, or any other alternative to confinement deemed appropriate by the court or as provided by the state or county. In the event the court determines that the defendant does not meet the criteria for such alternatives, the court may revoke the balance of probation or not more than two years in confinement, whichever is less."

SECTION 8-6.

Said title is further amended by revising Code Section 42-8-35.5, relating to confinement in probation diversion centers, as follows:

"42-8-35.5.

~~(a) Notwithstanding any other terms and conditions of probation which may be imposed, a court may require that probationers sentenced to a period of not less than~~

~~one year on probation shall satisfactorily complete, as a condition of such probation, a program in a probation diversion center. Probationers so sentenced shall be required to serve a period of confinement as specified in the court order, which confinement period shall be computed from the date of initial confinement in the diversion center.~~

~~(b) The court shall determine that the defendant is at least 17 years of age at the time of sentencing, is capable both physically and mentally of maintaining paid employment in the community, and does not unnecessarily jeopardize the safety of the community.~~

~~(c) The Department of Corrections may assess and collect room and board fees from diversion center program participants at a level set by the Department of Corrections~~ Reserved."

SECTION 8-7.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 42-8-111, relating to court issuance of certificate for installation of ignition interlock devices, as follows:

"(3) Such person shall participate in a substance abuse treatment program as defined in paragraph (16.2) of Code Section 40-5-1, ~~or~~ a drug court division ~~program~~ in compliance with Code Section 15-1-15, a mental health court division in compliance with Code Section 15-1-16, a veterans court division in compliance with Code Section 15-1-17, or an operating under the influence court division in compliance with Code Section 15-1-19 for a period of not less than 120 days."

PART IX
PAROLE BOARD AUTHORITY REGARDING
CERTAIN DRUG OFFENDERS
SECTION 9-1.

Said title is further amended by revising subsection (b) of Code Section 42-9-45, relating to the State Board of Pardons and Paroles general rule-making authority, as follows:

"(b)(1) An inmate serving a misdemeanor sentence or misdemeanor sentences shall only be eligible for consideration for parole after the expiration of six months of his or her sentence or sentences or one-third of the time of his or her sentence or sentences, whichever is greater.

(2) Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7 and ~~paragraph~~ paragraphs (3) and (4) of this subsection, an inmate serving a felony sentence or felony sentences shall only be eligible for consideration for parole after the expiration of nine months of his or her sentence or one-third of the time of the sentences, whichever is greater. Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7 and ~~paragraph~~ paragraphs (3) and (4) of this subsection, inmates serving sentences aggregating 21 years or more shall become eligible for consideration for parole upon completion of the service of seven years.

(3) When an inmate was sentenced pursuant to subsection (d) of Code Section 16-13-30 and subsection (c) of Code Section 17-10-7 to a term of at least 12 years and up to

a life sentence, he or she may become eligible for consideration for parole if he or she:

(A) Has never been convicted of:

(i) A serious violent felony as such term is defined in Code Section 17-10-6.1;

(ii) An offense for which he or she was or could have been required to register pursuant to Code Section 42-1-12; provided, however, that this paragraph shall not apply to any felony that became punishable as a misdemeanor on or after July 1, 2006;

(iii) A violation of paragraph (1) or (2) of subsection (b) of Code Section 16-5-21;

(iv) A violation of Code Section 16-11-106; and

(v) A violation of Code Section 16-11-131;

(B) Has completed at least 12 years of his or her sentence;

(C) Has obtained a low-risk for recidivism rating as determined by a validated risk assessment instrument approved by the Department of Corrections;

(D) Has been classified as a medium or less than medium security risk for institutional housing classification purposes by the Department of Corrections;

(E) Has completed all criminogenic programming requirements as determined by a validated risk assessment instrument approved by the Department of Corrections;

(F) In the 12 months preceding consideration, has not been found guilty of any serious disciplinary infractions; and

(G) Has a high school diploma or general educational development (GED) diploma, unless he or she is unable to obtain such educational achievement due to a learning disability or illiteracy. If the inmate is incapable of obtaining such education, he or she shall have completed a job skills training program, a literacy program, an adult basic education program, or a faith based program.

(4) When an inmate was sentenced pursuant to subsection (c), (e), or (l) of Code Section 16-13-30 and subsection (c) of Code Section 17-10-7 to a term of at least six years, he or she may become eligible for consideration for parole if he or she:

(A) Has never been convicted of:

(i) A serious violent felony as such term is defined in Code Section 17-10-6.1;

(ii) An offense for which he or she was or could have been required to register pursuant to Code Section 42-1-12; provided, however, that this paragraph shall not apply to any felony that became punishable as a misdemeanor on or after July 1, 2006;

(iii) A violation of paragraph (1) or (2) of subsection (b) of Code Section 16-5-21;

(iv) A violation of Code Section 16-11-106; and

(v) A violation of Code Section 16-11-131;

(B) Has completed at least six years of his or her sentence;

(C) Has obtained a low-risk for recidivism rating as determined by a validated risk assessment instrument approved by the Department of Corrections;

(D) Has been classified as a medium or less than medium security risk for institutional housing classification purposes by the Department of Corrections;

(E) Has completed all criminogenic programming requirements as determined by a validated risk assessment instrument approved by the Department of Corrections;
(F) In the 12 months preceding consideration, has not been found guilty of any serious disciplinary infractions; and
(G) Has a high school diploma or general educational development (GED) diploma, unless he or she is unable to obtain such educational achievement due to a learning disability or illiteracy. If the inmate is incapable of obtaining such education, he or she shall have completed a job skills training program, a literacy program, an adult basic education program, or a faith based program."

PART X
PROFESSIONAL LICENSING CONSIDERATIONS
SECTION 10-1.

Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions applicable to professions and businesses, is amended by revising Code Section 43-1-19, relating to grounds for refusing to grant or revoking licenses and probationary license, as follows:

"43-1-19.

(a) A professional licensing board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(1) Failed to demonstrate the qualifications or standards for a license contained in this Code section, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; ~~or~~ practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice the licensed business or profession; or made a false statement or deceptive registration with the board;

(3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph, ~~and~~ paragraph (4) of this subsection, and subsection (q) of this Code section, the term 'felony' shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph and subsection (q) of this Code section, the term 'conviction' shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(4) Been arrested, charged, and sentenced for the commission of any felony, or any crime involving moral turpitude, where:

(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime;

(5) Had his or her license to practice a business or profession licensed under this title revoked, suspended, or annulled by any lawful licensing authority other than the board; ~~or~~ had other disciplinary action taken against him or her by any such lawful licensing authority other than the board; ~~or~~ was denied a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public~~, which conduct or practice~~ that materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title~~,~~ or is of a nature likely to jeopardize the interest of the public~~, which~~; such conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of the licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness~~; unprofessional conduct~~. Such conduct or practice shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by a professional licensing board to practice a business or profession licensed under this title or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title, the United States, or any other lawful authority ~~(~~without regard to whether the violation is criminally punishable~~), which~~ when such statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title~~,~~ and when the licensee or applicant knows or should know that such action ~~is violative of~~ violates such statute, law, or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside this state; any such adjudication shall automatically suspend the license of

any such person and shall prevent the reissuance or renewal of any license so suspended for ~~as~~ so long as the adjudication of incompetence is in effect;

(10) Displayed an inability to practice a business or profession licensed under this title with reasonable skill and safety to the public or has become unable to practice the licensed business or profession with reasonable skill and safety to the public by reason of illness~~,~~ or the use of alcohol, drugs, narcotics, chemicals, or any other type of material;

(11) Failed to comply with an order for child support as defined by Code Section 19-11-9.3; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the child support agency within the Department of Human Services indicating that the applicant or licensee has come into compliance with an order for child support so that a license may ~~issue~~ be issued or ~~be~~ granted if all other conditions for licensure are met; or

(12) Failed to enter into satisfactory repayment status and is a borrower in default as defined by Code Section 20-3-295; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the Georgia Higher Education Assistance Corporation indicating that the applicant or licensee has entered into satisfactory repayment status so that a license may be issued or granted if all other conditions for licensure are met.

(b) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' with respect to emergency action by a professional licensing board and summary suspension of a license are adopted and incorporated by reference into this Code section.

(c) For purposes of this Code section, a professional licensing board may obtain, through subpoena by the division director, upon reasonable grounds, any and all records relating to the mental or physical condition of a licensee or applicant, and such records shall be admissible in any hearing before the board.

(d) When a professional licensing board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to the business or profession licensed by the board, the board may take any one or more of the following actions:

(1) Refuse to grant or renew a license to an applicant;

(2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of ~~said~~ such license;

(4) Limit or restrict any license as the board deems necessary for the protection of the public;

(5) Revoke any license;

(6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;

(7) Impose a fine not to exceed $500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession; or

(8) Impose on a licensee or applicant fees or charges in an amount necessary to reimburse the professional licensing board for the administrative and legal costs incurred by the board in conducting an investigative or disciplinary proceeding.

(e) In addition to and in conjunction with the actions described in subsection (d) of this Code section, a professional licensing board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which ~~probation~~ may be vacated upon noncompliance with such reasonable terms as the board may impose.

(f) Initial judicial review of a final decision of a professional licensing board shall be had solely in the superior court of the county of domicile of the board. The court may assess reasonable and necessary attorney's fees and expenses of litigation in any such review if, upon the motion of any party or the court itself, it finds that an attorney or any party aggrieved by an action of the board appealed such action of the board or any part thereof when such appeal lacked substantial justification or when such appeal or any part thereof was interposed for delay or harassment or if it finds that an attorney or aggrieved party unnecessarily expanded the proceeding by other improper conduct. As used in this subsection, the term 'lacked substantial justification' means substantially frivolous, substantially groundless, or substantially vexatious.

(g) In its discretion, a professional licensing board may reinstate a license which has been revoked or issue a license which has been denied or refused, following such procedures as the board may prescribe by rule; and, as a condition thereof, it may impose any disciplinary or corrective method provided in this Code section or the laws relating to the licensed business or profession.

(h)(1) The division director is vested with the power and authority to make, or cause to be made through employees or agents of the division, such investigations as he or she or a respective board may deem necessary or proper for the enforcement of the provisions of this Code section and the laws relating to businesses and professions licensed by that board. Any person properly conducting an investigation on behalf of a professional licensing board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The division director or his or her appointed representative may issue subpoenas to compel access to any writing, document, or other material upon a determination that reasonable grounds exist for the belief that a violation of this Code section or any other law relating to the practice of the licensed business or profession subject to regulation or licensing by such board may have taken place.

(2) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the division director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other than a hearing before the board, nor shall such records be subject to

subpoena; provided, however, that the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.

(3) If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by that licensee in his or her capacity as licensee shall be admissible at any hearing held to determine whether a violation of this chapter has taken place, regardless of any statutory privilege; provided, however, that any documentary evidence relating to a person who received those services shall be reviewed in camera and shall not be disclosed to the public.

(4) The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or applicant and the legal counsel of that licensee or applicant.

(5) When a member of the public files a complaint with a professional licensing board or the division director against a licensee, within 30 days after the conclusion of the investigation of such complaint, the professional licensing board or the division director shall notify the complainant of the disposition of such complaint. Such notification shall include whether any action was taken by the board with regard to such complaint and the nature of such action. In addition, the division director and the board shall upon request by the complainant advise the complainant as to the status of the complaint during the period of time that such complaint is pending.

(i) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice a business or profession licensed under this title or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any person who testifies or who makes a recommendation to a professional licensing board in the nature of peer review, in good faith, without fraud or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice the business or profession licensed by the board shall be immune from civil and criminal liability for so testifying.

(j) Neither the issuance of a private reprimand nor the denial of a license by reciprocity nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a previously denied license shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing within the meaning of ~~said~~ such chapter shall not be required, but the applicant or licensee shall be allowed to appear before the board if he or she so requests. A board may resolve a pending action by the issuance of a letter of concern. Such letter shall not be considered a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be disclosed to any person except the licensee or applicant.

(k) If any licensee or applicant after reasonable notice fails to appear at any hearing of the professional licensing board for that licensee or applicant, the board may proceed to

hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present. A notice of hearing, initial or recommended decision, or final decision of the board in a disciplinary proceeding shall be served personally upon the licensee or applicant or served by certified mail or statutory overnight delivery, return receipt requested, to the last known address of record with the board. If such material is served by certified mail or statutory overnight delivery and is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort, be located, the division director, or his or her designee, shall be deemed to be the agent for service for such licensee or applicant for purposes of this Code section, and service upon that director, or that director's designee, shall be deemed to be service upon the licensee or applicant.

(l) The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of ~~said~~ such license, subject to reinstatement in the discretion of a board. A board may restore and reissue a license to practice under the law relating to that board and, as a condition thereof, may impose any disciplinary sanction provided by this Code section or the law relating to that board.

(m) This Code section shall apply equally to all licensees or applicants whether individuals, partners, or members of any other incorporated or unincorporated associations, corporations, limited liability companies, or other associations of any kind whatsoever.

(n) Regulation by a professional licensing board of a business or profession licensed under this title shall not exempt that business or profession from regulation pursuant to any other applicable law, including but not limited to Part 2 of Article 15 of Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975.'

(o) Subsections (a), (d),and (e) of this Code section shall be supplemental to and shall not operate to prohibit any professional licensing board from acting pursuant to those provisions of law which may now or hereafter authorize other disciplinary grounds and actions for that particular board. In cases where those other provisions of law so authorize other disciplinary grounds and actions but subsection (a), (d), or (e) of this Code section ~~limit~~ limits such grounds or actions, those other provisions shall apply so long as the requirements of subsection (q) of this Code section are met.

(p)(1) Notwithstanding any other provision of this Code section or title, when an applicant submits his or her application for licensure or renewal, together with proof of completion of a drug court division ~~program,~~ as set forth in Code Section 15-1-15, a mental health court division as set forth in Code Section 15-1-16, a veterans court division as set forth in Code Section 15-1-17, an operating under the influence court division as set forth in Code Section 15-1-19, or a family treatment court division as set forth in Code Section 15-11-70, a board shall issue the applicant a probationary license under the terms and conditions deemed appropriate by such board.

(2) Paragraph (1) of this subsection shall not supersede a board's consideration of an applicant's other prior criminal history or arrests or convictions that occur subsequent

to completion of a ~~drug~~ court division ~~program~~ identified in paragraph (1) of this subsection.

(q)(1) Notwithstanding paragraphs (3) and (4) of subsection (a) of this Code section or any other provision of law, no professional licensing board shall refuse to grant a license to an applicant therefor or shall revoke the license of a person licensed by that board due solely or in part to a conviction of any felony or due to any arrest, charge, and sentence for the commission of any felony unless such felony directly relates to the occupation for which the license is sought or held.

(2) In determining if a felony directly relates to the occupation for which the license is sought or held, the professional licensing board shall consider:

(A) The nature and seriousness of the felony and the relationship of the felony to the occupation for which the license is sought or held;

(B) The age of the person at the time the felony was committed;

(C) The length of time elapsed since the felony was committed;

(D) All circumstances relative to the felony, including, but not limited to, mitigating circumstances or social conditions surrounding the commission of the felony; and

(E) Evidence of rehabilitation and present fitness to perform the duties of the occupation for which the license is sought or held."

PART XI
FOOD STAMPS
SECTION 11-1.

Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions for public assistance, is amended by adding a new Code section to read as follows:

"49-4-22.

(a) An individual who was convicted under any state or federal law of an offense which has as an element the possession, use, or distribution of a controlled substance, as such term is defined in Code Section 16-13-21, and which is or would be classified as a felony under the laws of this state shall not be eligible for the federal Supplemental Nutrition Assistance Program while he or she is serving any term of imprisonment. If such individual was not sentenced to imprisonment, he or she shall be eligible for such program, provided that he or she remains compliant with the applicable general and special conditions of probation imposed. If such individual is sentenced to a term of imprisonment, after release from confinement, he or she shall be eligible for such program, provided that he or she remains compliant with the applicable general and special conditions of probation or parole imposed. If such individual violates the terms of probation as determined by court order or violates the terms of parole as determined by an order of the State Board of Pardons and Paroles, he or she shall lose eligibility for such program. If such individual successfully completes the original sentence imposed, he or she shall remain eligible for such program.

(b) Any individual eligible for aid pursuant to this Code section shall be required to meet all other requirements for eligibility for such program."

PART XII
YOUTHFUL PROBATION SUPERVISION
SECTION 12-1.

Code Section 49-4A-2 of the Official Code of Georgia Annotated, relating to the creation of the Board of Juvenile Justice, is amended in subsection (b) by deleting "and" at the end of paragraph (4), by replacing the period with "; and" at the end of paragraph (5), and by adding a new paragraph to read as follows:

"(6) Adopt rules and regulations governing the transfer of children who are at least 17 years of age and are released from restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, to the Department of Community Supervision to ensure balanced attention to the protection of the community, the imposition of accountability, and the development of competencies to enable each child to become a responsible and productive member of the community, taking into consideration a child's level of participation in the department's educational, vocational, and other services prior to such release."

PART XIII
PROVIDING FOR MISCELLANEOUS
CROSS-REFERENCES IN THE CODE
SECTION 13-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subparagraph (b)(1)(B) of Code Section 16-8-14, relating to shoplifting, as follows:

"(B) Upon conviction of a third offense for shoplifting, ~~where~~ when the first two offenses are either felonies or misdemeanors, or a combination of a felony and a misdemeanor, as defined by this Code section, in addition to or in lieu of any fine which might be imposed, the defendant shall be punished by imprisonment for not less than 30 days or confinement in a 'special alternative incarceration-probation boot camp,' probation detention center~~, diversion center,~~ or other community correctional facility of the Department of Corrections for a period of 120 days or shall be sentenced to monitored house arrest for a period of 120 days and, in addition to ~~either~~ such types of confinement, may be required to undergo psychological evaluation and treatment to be paid for by the defendant; and such sentence of imprisonment or confinement shall not be suspended, probated, deferred, or withheld; and"

SECTION 13-2.

Said title is further amended by revising paragraph (2) of subsection (c) of Code Section 16-8-14.1, relating to refund fraud, as follows:

"(2) Upon conviction of a third offense for a violation of any provision of this Code section, the defendant shall be guilty of a felony and, in addition to or in lieu of any fine which might be imposed, the defendant shall be punished by imprisonment for not less than 30 days or confinement in a 'special alternative incarceration–probation boot camp,' probation detention center~~, diversion center,~~ or other community correctional facility of the Department of Corrections for a period of 120 days or shall be sentenced to monitored house arrest for a period of 120 days and, in addition to ~~either~~ such types of confinement, may be required to undergo psychological evaluation and treatment to be paid for by the defendant; and such sentence of imprisonment or confinement shall not be suspended, probated, deferred, or withheld."

SECTION 13-3.

Said title is further amended by revising paragraph (2) of subsection (d) of Code Section 16-11-135, relating to public or private employer's parking lots and rights of action, as follows:

"(2) To any penal institution, correctional institution, detention facility, ~~diversion center,~~ jail, or similar place of confinement or confinement alternative;"

SECTION 13-4.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising subparagraph (a)(3)(A) of Code Section 17-10-1, relating to fixing of sentence, as follows:

"(3)(A) Any part of a sentence of probation revoked for a violation other than a subsequent commission of any felony, a violation of a special condition, or a misdemeanor offense involving physical violence resulting in bodily injury to an innocent victim which in the opinion of the trial court constitutes a danger to the community or a serious infraction occurring while the defendant is assigned to an alternative probation confinement facility shall be served in a probation detention center, probation boot camp, ~~diversion center,~~ weekend lock up, or confinement in a local jail or detention facility, or other community correctional alternatives available to the court or provided by the Department of Corrections."

SECTION 13-5.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 17-10-3, relating to punishment for misdemeanors generally, as follows:

"(2) By confinement under the jurisdiction of the Board of Corrections in a state probation detention center ~~or diversion center~~ pursuant to Code ~~Sections~~ Section 42-8-35.4 ~~and 42-8-35.5,~~ for a determinate term of months which shall not exceed a total term of 12 months; or"

PART XIV
EFFECTIVE DATES AND REPEALER
SECTION 14-1.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2016.
(b) Part IX of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The provisions of Part IX of this Act shall be given retroactive effect to those sentences imposed before the effective date of Part IX of this Act.

SECTION 14-2.
All laws and parts of laws in conflict with this Act are repealed.

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

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

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

Y Chandler	Y Gilligan	Y Martin	Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	E 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 166, nays 1.

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

SB 307. By Senators Beach of the 21st, Williams of the 19th, Butler of the 55th, Parent of the 42nd and Gooch of the 51st:

A BILL to be entitled an Act to amend Code Section 32-6-51 of the Official Code of Georgia Annotated, relating to erection, placement, or maintenance of unauthorized structures within rights of way of public roads and authorization of commercial advertisements by a transit agency, so as to provide for definitions relative to advertising; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 32-6-51 of the Official Code of Georgia Annotated, relating to erection, placement, or maintenance of unauthorized structures within rights of way of public roads and authorization of commercial advertisements by a transit agency, so as to provide for definitions relative to advertising; to provide for applicability in relation to other requirements of the article; to amend Chapter 1 of Title 40 and Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to identification and regulation of motor vehicles and dimensions and weight of vehicles and loads, respectively, so as to provide for the regulation of vehicles towing other vehicles in certain instances; to provide for regulation by the Department of Public Safety of towing service providers operating on interstate highways subject to appropriation by the General Assembly; to provide for legislative intent; to provide for definitions; to require annual permits for the operation of towing service providers; to provide for power of the department to establish procedures for the issuance of such permits; to provide for a maximum fee to be charged for such permits; to provide for authority to promulgate rules and regulations; to provide for a civil monetary penalty; to provide for a right to a hearing upon denial of such permit; to provide for effective dates; to provide for an automatic

repeal of certain provisions on January 1, 2021; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-6-51 of the Official Code of Georgia Annotated, relating to erection, placement, or maintenance of unauthorized structures within rights of way of public roads and authorization of commercial advertisements by a transit agency, is amended by revising paragraph (1) of subsections (d) and (g) and adding a new subsection to read as follows:

"(d)(1) As used in this subsection, the term:

(A) 'Bus shelter' means a shelter or bench located at bus stops for the convenience of passengers of public transportation systems owned and operated by governmental units or public authorities or located on county or municipality rights of way for the convenience of residents.

(B) 'Commercial advertisements' means any printed or painted signs or multiple media displays on a bus shelter for which space has been rented or leased from the owner of such shelter.

(C) 'Multiple media display' means a device by which the message, image, or text is capable of electronic alteration by movement or rotation of panels or slats."

"(g)(1) As used in this subsection, the term:

(A) 'Commercial advertisements' means any printed or painted signs or multiple ~~message signs~~ media displays on or in transit vehicles or facilities for which space has been rented or leased from the owner of such transit vehicles or facilities.

(B) 'Multiple media display' means a device by which the message, image, or text is capable of electronic alteration by movement or rotation of panels or slats.

(C) 'Transit agency' means any public agency, public corporation, or public authority existing under the laws of this state that is authorized by any general, special, or local law to provide any type of transit services within any area of this state including, but not limited to, the Department of Transportation, the Georgia Regional Transportation Authority, and the Georgia Rail Passenger Authority.

~~(C)~~(D) 'Transit vehicles or facilities' means everything necessary and appropriate for the conveyance and convenience of passengers who utilize transit services."

"(h) Multiple media displays authorized pursuant to this Code section shall comply with the operational standards for multiple message signs provided for in Part 2 of this article but shall not be required to comply with any spacing requirements provided for in such part and multiple media displays shall not be considered in regard to the spacing requirements provided for in Code Section 32-6-75 as to the placement of any multiple message sign."

SECTION 2.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to identification and regulation of motor vehicles, is amended by adding a new Code section to read as follows:

"40-1-9.

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

(1) 'Commissioner' means the commissioner of public safety or the official designated by the commissioner pursuant to rules and regulations of the department.

(2) 'Department' means the Department of Public Safety.

(3) 'Permit' means an instrument of whatever character or nature, including, but not limited to, electronic format, issued by the department pursuant to this Code section.

(4) 'Towing service provider' means any person utilizing a vehicle to tow disabled, damaged, abandoned, or wrecked vehicles in exchange for a fee.

(b)(1) Subject to appropriation by the General Assembly, in order to promote safe towing practices by towing service providers in Georgia, the commissioner shall issue permits which allow towing service providers to operate on any portion of the Dwight D. Eisenhower System of Interstate and Defense Highways within this state for the duration of such permit; provided, however, that any such permit shall be in addition to and not in lieu of the ability of counties, municipalities, or consolidated governments to regulate towing service providers operating on any portion of state or local roads within such jurisdiction.

(2) Pursuant to this Code section, annual permits shall be issued to towing service provider applicants who demonstrate to the satisfaction of the commissioner that the applicant has completed an operator safety course that meets or exceeds the minimum safety training standards recognized and adopted by the Towing and Recovery Association of Georgia in effect as of February 21, 2016. Any towing service provider recognized by the Georgia Department of Transportation as a Towing and Recovery Incentive Program service provider shall satisfy the safety training requirements of this paragraph.

(3) Pursuant to this Code section, the commissioner may charge a fee for the issuance of such permits and may develop and adopt an apportionment schedule for fees to be established by rules and regulations promulgated by the commissioner. The fee for the issuance of a towing service provider permit shall be not more than $85.00 per towing service provider operator.

(c) A copy of such permit and all other documentation required by the commissioner shall be carried by the towing service provider operator and shall be open to inspection by any law enforcement officer, employee of the department who has been given enforcement authority by the commissioner, or any law enforcement officer acting within the scope of his or her authority.

(d) The commissioner is authorized to promulgate reasonable rules and regulations which are necessary or desirable in governing the issuance of permits, including the timeline for compliance, provided that such rules and regulations are not in conflict with other provisions of law. The commissioner is authorized to issue such orders,

authorizations, and modification thereof as necessary to implement this Code section. A court shall take judicial notice of all rules, regulations, and orders promulgated and issued by the department pursuant to this Code section.

(e) Any person violating this Code section shall be guilty of a misdemeanor.

(f)(1) For just cause, including, but not limited to, repeated and consistent past violations of this Code section, the commissioner may refuse to issue or may cancel, suspend, or revoke the towing service provider permit of an applicant or permittee.

(2) Within 30 days after any denial or cancellation of a towing service provider permit granted pursuant to this Code section, the applicant or permit holder may appeal a denial or cancellation by requesting a hearing before the commissioner in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commissioner shall notify an applicant or permit holder in writing of the denial or cancellation by registered or certified mail or statutory overnight delivery to the last known address of the applicant or permit holder appearing in the commissioner's files or by personal service upon the applicant or permit holder by an authorized agent of the commissioner.

(3) An appeal hearing provided for by this paragraph shall be conducted no more than 60 days from the date which the appeal was requested. Further, if the appellant towing service provider's permit has not expired, the permit holder shall be allowed to continue to operate under the terms of the original permit until such time that the appeal is decided or the original permit expires, whichever occurs first.

(g) The commissioner is authorized to employ such persons as may be necessary, in the discretion of the commissioner, for the proper enforcement of this Code section, as provided for in this Code section and Chapter 2 of Title 35.

(h) This Code section shall stand repealed on January 1, 2021."

SECTION 3.

(a) Section 1 of this Act shall become effective on July 1, 2016.

(b) Section 2 of this Act shall become effective upon approval of this Act by the Governor or upon its becoming law without such approval for purposes of promulgating rules and regulations and shall become effective on January 1, 2017, for all other purposes.

SECTION 4.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 143, nays 17.

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

SB 85. By Senators Beach of the 21st, Ginn of the 47th, Gooch of the 51st, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development authorities, so as to revise the definition of project as applicable to said chapter; to modify the tax exemption of development authorities; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens or nationals or lawful permanent residents; to provide for other residency requirements; to provide for other qualifications; to provide for exceptions; to provide for definitions; to provide for enforcement; to provide an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, is amended by revising Code Section 36-80-1, which is designated as reserved, as follows:

"36-80-1.

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

(1) 'Lawful permanent resident' means a person who is not a United States citizen but who has the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws of the United States, and such status has not been revoked or found administratively or judicially to have been abandoned.

(2) 'Local governing body' means any political subdivision of this state, including any county, consolidated government, municipality, or other local public body corporate, governmental unit, or political subdivision.

(3) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, no individual shall be appointed to serve on an authority, school district, commission, council, or board for a local governing body which establishes policy, spends public funds, levies taxes, or assesses, imposes or collects fees or charges unless:

(1)(A) He or she is a citizen or national of the United States or a lawful permanent resident; and

(B) He or she is a legal resident of the State of Georgia; provided, however, that an individual who resides in another state in a county of such state that abuts the State of Georgia and who is the owner of a business in the State of Georgia of which such individual exercises day-to-day executive or operational control shall be eligible. As used in this paragraph, the term 'owner' means the direct or indirect ownership of more than 50 percent of the assets or stock of a business; or

(2) He or she is an active duty member of the armed forces of the United States or an immediate family member of such person.

(c) It shall be the duty of the appointing official or body to ensure compliance with this Code section. ~~Reserved.~~"

SECTION 2.

Article 1 of Chapter 2 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions regarding eligibility and qualifications for public office, is amended by adding a new Code section to read as follows:

"45-2-10.

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

(1) 'Lawful permanent resident' means a person who is not a United States citizen but who has the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws of the United States, and such status has not been revoked or found administratively or judicially to have been abandoned.

(2) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, in addition to all other qualifications to be appointed to serve on any municipal or county board, commission, or authority which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges, an individual shall be:

(1)(A) A citizen or national of the United States or a lawful permanent resident; and

(B) A legal resident of the State of Georgia; provided, however, that an individual who resides in another state in a county of such state that abuts the State of Georgia and who is the owner of a business in the State of Georgia of which such individual exercises day-to-day executive or operational control shall be eligible. As used in this paragraph, the term 'owner' means the direct or indirect ownership of more than 50 percent of the assets or stock of a business; or

(2) He or she is an active duty member of the armed forces of the United States or an immediate family member of such person.

(c) Except for ex officio, nonvoting members, in addition to all other qualifications to be appointed to serve on any state authority, board, council, or commission which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges, an individual shall be a citizen or national of the United States or a lawful permanent resident, and a legal resident of this state."

SECTION 3.

Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relating to state government, is amended by adding a new Code section to read as follows:

"50-1-10.

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

(1) 'Lawful permanent resident' means a person who is not a United States citizen but who has the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws of the United States, and such status has not been revoked or found administratively or judicially to have been abandoned.

(2) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, no individual shall be appointed to serve on a state authority, board, council, or commission which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges unless he or she:

(1) Is a citizen or national of the United States or a lawful permanent resident, and a legal
resident of this state; or

(2) Is an active duty member of the armed forces of the United States or an immediate family member of such person.

It shall be the duty of the appointing official or body to ensure compliance with this Code section."

SECTION 4.

This Act shall become effective on July 1, 2016, and shall apply to appointments made on or after such date.

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	N Harden	N Metze	N Smith, E
N Alexander	Y Coomer	N Harrell	N Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
Y Ballinger	N Dawkins-Haigler	N Henson	Y Nimmer	N Smyre
Y Barr	Deffenbaugh	Y Hightower	Y Nix	Y Spencer

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

On the passage of the Bill, by substitute, the ayes were 94, nays 62.

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

The Speaker assumed the Chair.

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

Mr. Speaker:

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

HB 784. By Representatives Carson of the 46th, Maxwell of the 17th and Lumsden of the 12th:

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 that certain insurer advertising and promotional items not exceeding $100.00 in value will not be considered an unfair trade practice or an unlawful inducement; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 804. By Representatives Mabra of the 63rd, Glanton of the 75th, Douglas of the 78th, Scott of the 76th, Stovall of the 74th and others:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior courts, so as to provide for a fifth judge of the superior courts of the Clayton Judicial Circuit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 768. By Representatives Hawkins of the 27th, Willard of the 51st, Fludd of the 64th, Jones of the 47th, Turner of the 21st and others:

A BILL to be entitled an Act to amend Title 30 of the O.C.G.A., relating to disabled persons, so as to provide for the establishment of a qualified ABLE program in this state to enable the contribution of funds to tax-exempt accounts to pay for the qualified expenses of eligible individuals with disabilities; to amend Code Section 48-7-27 of the O.C.G.A., relating to computation of taxable net income; to amend Code Section 50-13-2 of the O.C.G.A., relating to the definitions for purposes of the Georgia Administrative Procedure Act, so as to exclude the Georgia ABLE Program Corporation from the meaning of "agency"; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 768 (LC 33 6510S) by inserting on line 383 after "administrative services;" *the following:*
<u>the Board of Regents of the University System of Georgia;</u>

Representative Hawkins of the 27th moved that the House disagree to the Senate amendment to HB 768.

The motion prevailed.

HB 52. By Representatives Quick of the 117th, Caldwell of the 131st, Jones of the 62nd, Oliver of the 82nd, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 19-9-1 of the Official Code of Georgia Annotated, relating to parenting plans, so as to change provisions requiring parenting plans to be incorporated into final orders involving the custody of a child; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 19-9-1 of the Official Code of Georgia Annotated, relating to parenting plans, so as to change provisions requiring parenting plans to be incorporated into final orders involving the custody of a child; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 19-9-1 of the Official Code of Georgia Annotated, relating to parenting plans, is amended by revising subsections (a) and (c) and the introductory language to paragraphs (1) and (2) of subsection (b) as follows:

"(a) Except when a parent seeks emergency relief for family violence pursuant to Code Section 19-13-3 or 19-13-4, in all cases in which the custody of any child is at issue between the parents, each parent shall prepare a parenting plan or the parties may jointly submit a parenting plan. It shall be in the ~~judge's~~ court's discretion as to when a party shall be required to submit a parenting plan to the ~~judge~~ court. A parenting plan shall be required for permanent custody and modification actions and in the ~~judge's~~ court's discretion may be required for temporary hearings. The final ~~decree~~ order in any legal action involving the custody of a child, including modification actions, shall incorporate a permanent parenting plan as further set forth in this Code section; provided, however, that unless otherwise ordered by the court, a separate court order exclusively devoted to a parenting plan shall not be required.

(b)(1) Unless otherwise ordered by the ~~judge~~ court, a parenting plan shall include the following:"

"(2) Unless otherwise ordered by the ~~judge~~ court, or agreed upon by the parties, a parenting plan shall include, but not be limited to:"

"(c) If the parties cannot reach agreement on a permanent parenting plan, each party shall file and serve a proposed parenting plan on or before the date set by the ~~judge~~ court. Failure to comply with filing a parenting plan may result in the ~~judge~~ court

adopting the plan of the opposing party if the judge finds such plan to be in the best interests of the child."

SECTION 2.

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

Representative Quick of the 117th moved that the House agree to the Senate substitute to HB 52.

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

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

On the motion, the ayes were 151, nays 0.

The motion prevailed.

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

SR 954. By Senators Jeffares of the 17th, Jones of the 25th, Kennedy of the 18th, Kirk of the 13th, Bethel of the 54th and others:

A RESOLUTION authorizing the granting of nonexclusive easements for the construction, operation, and maintenance of facilities, utilities, roads, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in the counties of Bartow, Bulloch, Carroll, Chatham, Columbia, Coweta, DeKalb, Emanuel, Gordon, Henry, Marion, Murray, Paulding, Sumter, Ware, and Whitfield; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 509. By Representatives Petrea of the 166th, Stephens of the 164th, Tankersley of the 160th, Hitchens of the 161st and Williams of the 119th:

A BILL to be entitled an Act to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health care facilities, so as to implement initiatives to improve quality and delivery of patient centered and family focused palliative care in this state; to provide for legislative intent; to provide for definitions; to create the Georgia Palliative Care and Quality of Life Advisory Council; to establish a state-wide Palliative Care Consumer and Professional Information and Education Program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health care facilities, so as to implement initiatives to improve quality and delivery of patient centered and family focused palliative care in this state; to provide for legislative intent; to provide for definitions; to create the Georgia Palliative Care and Quality of Life Advisory Council; to establish a state-wide Palliative Care Consumer and Professional Information and Education Program; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health care facilities, is amended by revising Article 10, which is reserved, to read as follows:

"ARTICLE 10

31-7-190.

The intent of the General Assembly in enacting this article is to improve quality and delivery of patient centered and family focused palliative care in this state.

31-7-191.

As used in this article, the term:

(1) 'Commissioner' means the commissioner of community health.

(2) 'Department' means the Department of Community Health.

(3) 'Georgia Palliative Care and Quality of Life Advisory Council' or 'council' means the advisory council created pursuant to Code Section 31-7-192.

(4) 'Health care facility' means hospitals; other special care units, including but not limited to podiatric facilities; skilled nursing facilities; intermediate care facilities; assisted living communities; personal care homes; ambulatory surgical or obstetrical facilities; health maintenance organizations; home health agencies; and diagnostic, treatment, or rehabilitation centers.

(5) 'Palliative care' means those interventions which are intended to alleviate suffering and to achieve relief from, reduction of, or elimination of pain and of other physical, emotional, social, or spiritual symptoms of distress to achieve the best quality of life for the patients and their families.

31-7-192.

(a) There is hereby created the Georgia Palliative Care and Quality of Life Advisory Council within the department. The council shall be composed of nine members, as follows:

(1) The chairperson of the House Committee on Health and Human Services, or his or her designee;

(2) The chairperson of the Senate Health and Human Services Committee, or his or her designee;

(3) Two members appointed by the Speaker of the House of Representatives;

(4) Two members appointed by the President of the Senate; and

(5) Three members appointed by the Governor.

The appointing authorities are encouraged to coordinate their appointments so that the council includes interdisciplinary palliative care medical, nursing, social work, pharmacy, and spiritual professional expertise; patient and family caregiver advocate representation; and any relevant appointees from the department or other state entities or councils. Membership should include health professionals who have palliative care work experience or expertise in palliative care delivery models in a variety of inpatient,

outpatient, and community settings, such as acute care, long-term care, or hospice, and with a variety of populations, including pediatric, youth, and adult patients. It is preferable that at least two councilmembers are board certified hospice and palliative medicine physicians or nurses.

(b) Appointed councilmembers shall serve for a period of three years. The members shall elect a chairperson and vice chairperson from among their membership whose duties shall be established by the council.

(c) The department shall fix a time and place for regular meetings of the council, which shall meet at least twice yearly.

(d) Councilmembers shall receive no compensation for their services but shall be allowed actual and necessary expenses in the performance of their duties. Any legislative members of the council shall receive the allowances provided for in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. If any members selected to serve on the council are state officials, other than legislative members, or are state employees, they shall receive no compensation for their services on the council, but shall be reimbursed for expenses incurred in the performance of their duties as members of the council in the same manner as reimbursements are made in their capacity as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments.

(e) The council shall consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in this state.

(f) The council, no later than June 30, 2017, and annually thereafter, shall submit to the Governor and the General Assembly a report of its findings and recommendations.

31-7-193.

(a) There is established a state-wide Palliative Care Consumer and Professional Information and Education Program within the department.

(b) The purpose of the Palliative Care Consumer and Professional Information and Education Program shall be to maximize the effectiveness of palliative care initiatives in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

(c) The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities. This shall include, but not be limited to, continuing educational opportunities for health care providers; information about palliative care delivery in the home, primary, secondary, and tertiary environments; best practices for

palliative care delivery; and consumer educational materials and referral information for palliative care, including hospice.
(d) The department shall consult with the Georgia Palliative Care and Quality of Life Advisory Council in implementing this Code section. ~~Reserved.~~"

SECTION 2.
All laws and parts of laws in conflict with this Act are repealed.

Representative Petrea of the 166th moved that the House agree to the Senate substitute to HB 509.

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

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

On the motion, the ayes were 140, nays 7.

The motion prevailed.

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

Mr. Speaker:

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

HB 876. By Representatives Pirkle of the 155th, McCall of the 33rd, England of the 116th, Powell of the 32nd, Frye of the 118th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 4 of the Official Code of Georgia Annotated, relating to livestock dealers and auctions, so as to update license and surety requirements of livestock dealers and livestock market operators; to provide for publication of duly licensed dealers and operators; to eliminate requirement for submission of certain reports; to correct cross-references and provide for uniformity; to repeal conflicting laws; and for other purposes.

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

HB 851. By Representative Atwood of the 179th:

A BILL to be entitled an Act to amend Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law libraries, so as to require an annual audit of the financial affairs, books, and records of boards of trustees of the county law library; to provide for publication of such audit; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

Mr. Speaker:

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

SB 378 Do Pass, by Substitute

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

Representative Coomer of the 14th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

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

SR 863 Do Pass, by Substitute
SR 892 Do Pass, by Substitute

Respectfully submitted,
/s/ Coomer of the 14th
Chairman

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

HB 757. By Representatives Tanner of the 9th, Nix of the 69th, Battles of the 15th, Powell of the 171st, Hatchett of the 150th and others:

A BILL to be entitled an Act to protect religious freedoms; to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that religious officials shall not be required to perform marriage ceremonies in violation of their legal right to free exercise of religion; to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to change certain provisions relating to days of rest for employees of business and industry; to protect property owners which are religious institutions against infringement of religious freedom; to define a term; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Burns of the 159th moved that the Rules be temporarily suspended to allow debate on HB 757 with the time to be determined by the Speaker.

The motion prevailed.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To protect religious freedoms; to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that religious officials shall not be required to perform marriage ceremonies, perform rites, or administer sacraments in violation of their legal right to free exercise of religion; to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to change certain provisions relating to days of rest for employees of business and industry; to protect property owners which are religious organizations against infringement of religious freedom; to define a term; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to prohibit adverse action by government against a person or faith-based organization who believes, speaks, or acts in accordance with certain sincerely held religious beliefs regarding marriage; to provide for definitions; to provide for the granting of relief; to provide for construction and application; to provide for waiver of sovereign immunity under certain circumstances; to provide for a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, is amended by adding a new Code section to read as follows:

"19-3-11.

(a) No minister of the gospel or cleric or religious practitioner ordained or authorized to solemnize marriages, perform rites, or administer sacraments according to the usages of the denomination, when acting in his or her official religious capacity, shall be required to solemnize any marriage, perform any rite, or administer any sacrament in violation of his or her right to free exercise of religion under the Constitution of this state or of the United States.

(b) A refusal by an ordained or authorized person pursuant to subsection (a) of this Code section shall not give rise to a civil claim or cause of action against such person or result in any state action to penalize, withhold benefits from, or discriminate against such person based on such refusal."

SECTION 1-2.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by revising Code Section 10-1-573, relating to day of rest for employees of business and industry, as follows:

"10-1-573.
(a) Any business or industry which operates on either of the two rest days (Saturday or Sunday) and employs those whose habitual day of worship has been chosen by the employer as a day of work shall make all reasonable accommodations to the religious, social, and physical needs of such employees so that those employees may enjoy the same benefits as employees in other occupations.
(b) No business or industry shall be required by ordinance or resolution of any county, municipality, or consolidated government to operate on either of the two rest days (Saturday or Sunday)."

SECTION 1-3.

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

"ARTICLE 35

10-1-1000.
(a) As used in this Code section, the term 'religious organization' means a church, a religious school, an association or convention of churches, a convention mission agency, or an integrated auxiliary of a church or convention or association of churches, when such entity is qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
(b) No religious organization shall be required to rent, lease, or otherwise grant permission for property to be used by another person for an event which is objectionable to such religious organization.
(c) A refusal by a religious organization pursuant to subsection (b) of this Code section shall not give rise to a civil claim or cause of action against such religious organization or an employee thereof or result in any state action to penalize, withhold benefits from, or discriminate against the religious organization or employee based on such refusal."

PART II

SECTION 2-1.

This part shall be known and may be cited as the "First Amendment Defense Act of Georgia."

SECTION 2-2.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new chapter to read as follows:

"CHAPTER 15A

50-15A-1.
As used in this chapter, the term:

(1) 'Adverse action' means any action to:

(A) Alter in any way state tax treatment of an exemption from taxation under state law;

(B) Cause any tax, penalty, or payment to be assessed against a person or faith-based organization or deny, delay, or revoke an exemption from taxation under state law;

(C) Disallow a deduction for state tax purposes of any charitable contribution made to or by a person or faith-based organization;

(D) Deny, withhold, reduce, exclude, terminate, reprimand, censure, or otherwise make unavailable any government grant, contract, subcontract, cooperative agreement, loan, guarantee, license, certification, scholarship, accreditation, employment, or other similar position or status from or to a person or faith-based organization;

(E) Deny, withhold, reduce, exclude, terminate, or otherwise make unavailable any public benefit from or to a person or faith-based organization, including for purposes of this chapter admission to, equal treatment in, or eligibility for a degree from any educational program at any educational facility administered by a government; or

(F) Deny, withhold, reduce, exclude, terminate, condition, or otherwise make unavailable access to any speech forum (whether a traditional, limited, or nonpublic forum) administered by a government, including access to education facilities available for use by student or community organizations.

(2) 'Faith-based organization' means any organization or other legal entity whose governing documents or mission statement expressly acknowledges a religious belief or purpose.

(3) 'Government' means the state or any local subdivision of the state or public instrumentality or public corporate body created by or under authority of state law, including but not limited to the executive, legislative, and judicial branches and every department, agency, board, bureau, office, commission, authority, or similar body thereof; municipalities; counties; school districts; special taxing districts; conservation districts; authorities; and any other state or local public instrumentality or corporation.

(4) 'Person' means any natural person.

(5) 'Public benefit' shall have the same meaning as set forth in Code Section 50-36-1.

50-15A-2.

(a) Government shall not take any adverse action against a person or faith-based organization wholly or partially on the basis that such person or faith-based organization believes, speaks, or acts in accordance with a sincerely held religious belief regarding lawful marriage between two people, including the belief that marriage should only be between a man and a woman or that sexual relations are properly reserved to such a union.

(b) A person or faith-based organization may assert a violation of this chapter as a claim or defense in a judicial, agency, or other proceeding and obtain a declaratory judgment or injunctive relief against a government.
(c) Notwithstanding any other provision of law, an action under this chapter may be commenced, and relief may be granted, in a court of competent jurisdiction without regard to whether the person or faith-based organization commencing the action has sought or exhausted available administrative remedies.
(d) The Attorney General may bring an action for a declaratory judgment or injunctive relief for any violation of this chapter.
(e) When an aggrieved person or faith-based organization prevails in an action pursuant to this Code section, the court may award reasonable attorney's fees and expenses of litigation.
(f) No person or faith-based organization having a claim against a government under this chapter shall bring any action against such government upon such claim without first giving notice of the claim to such government, in writing, by certified mail or statutory overnight delivery, at least 30 days prior to filing such action, setting forth the particular adverse action alleged to have been taken by the government against such person or faith-based organization.

50-15A-3.
For purposes of this chapter, government shall consider accredited, licensed, or certified any person or faith-based organization that would have been accredited, licensed, or certified by a nongovernmental agency but for a determination by the agency against such person or faith-based organization wholly or partially on the basis that the person or faith-based organization believes, speaks, or acts in accordance with a sincerely held religious belief regarding lawful marriage between two people, including that marriage should only be between a man and a woman or that sexual relations are properly reserved to such a union.

50-15A-4.
(a) This chapter shall be construed in favor of a broad protection of free exercise of religious beliefs to the maximum extent permitted by the terms of this chapter, the United States Constitution, and the Constitution of this state.
(b) Nothing in this chapter shall be construed to narrow the meaning or application of any other law of this state protecting free exercise of religious beliefs.
(c) Any other provisions of this chapter notwithstanding, nothing in this chapter shall be applied to afford any protection or relief to a public officer or employee who fails or refuses to perform his or her official duties."

SECTION 2-3.

Said title is further amended by adding a new Code section to Article 2 of Chapter 21, relating to state tort claims, to read as follows:

"50-21-38.
The defense of sovereign immunity is waived as to any claim, counterclaim, cross-claim, or third-party claim brought in the courts of this state by an aggrieved person or faith-based organization seeking a declaratory judgment, injunctive relief, or reasonable attorney's fees and expenses of litigation against the state or any political subdivision thereof as provided for in Chapter 15A of this title. In any such case, the applicable provisions of Chapter 15A of this title shall control to the extent of any conflict with the provisions of this article."

PART III
SECTION 3-1.

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

SECTION 3-2.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Tanner of the 9th offers the following amendment:

Amend the Senate substitute to HB 757 by deleting all matter from line 1 through the end and replacing it with the following:
To protect religious freedoms; to provide for defenses and relief related thereto; to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that religious officials shall not be required to perform marriage ceremonies, perform rites, or administer sacraments in violation of their legal right to free exercise of religion; to provide that no individual shall be required to attend the solemnization of a marriage, performance of rites, or administration of sacraments in violation of their legal right to free exercise of religion; to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to change certain provisions relating to days of rest for employees of business and industry; to protect property owners which are faith based organizations against infringement of religious freedom; to protect certain providers of services against infringement of religious freedom; to amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations generally, so as to provide that faith based organizations shall not be required to hire or retain certain persons as employees; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the preservation of religious freedom; to provide for the granting of relief; to provide for waiver of sovereign immunity under certain circumstances; to provide for definitions; to provide for ante litem notices; to provide a

short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Free Exercise Protection Act."

SECTION 2.

Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, is amended by adding a new Code section to read as follows:

"19-3-11.

(a) As used in this Code section, the term 'government' means the state or any political subdivision of the state or public instrumentality or public corporate body created by or under authority of state law.

(b) All individuals who are ministers of the gospel or clerics or religious practitioners ordained or authorized to solemnize marriages, perform rites, or administer sacraments according to the usages of the denomination shall be free to solemnize any marriage, perform any rite, or administer any sacrament or to decline to do the same, in their discretion, in the exercise of their rights to free exercise of religion under the Constitution of this state or of the United States.

(c)(1) A refusal by an ordained or authorized individual pursuant to subsection (b) of this Code section shall not give rise to a civil claim or cause of action against such individual or result in any state action to penalize, withhold benefits from, or discriminate against such individual based on such refusal.

(2) A refusal by an ordained or authorized individual pursuant to subsection (b) of this Code section shall not be grounds to:

(A) Alter in any way state tax treatment of an exemption from taxation for such individual under state law;

(B) Cause any tax, penalty, or payment to be assessed against such individual or deny, delay, or revoke an exemption from taxation for such individual under state law; or

(C) Disallow a deduction for state tax purposes of any charitable contribution made by such individual.

(d) All individuals shall be free to attend or not attend, at their discretion, the solemnization of any marriage, performance of any rite, or administration of any sacrament in the exercise of their rights to free exercise of religion under the Constitution of this state or of the United States.

(e) An individual may assert a violation of this Code section by a government as a claim or defense in a judicial, agency, or other proceeding and obtain a declaratory judgment or injunctive relief in a court of competent jurisdiction.

(f) When an aggrieved individual prevails in an action pursuant to this Code section, the court may award reasonable attorney's fees and court costs.

(g) No individual having a claim against a government under this Code section shall bring any such action without first giving notice of the claim to such government, in writing, by certified mail or statutory overnight delivery, at least 30 days prior to filing such action, setting forth the particular prohibited action alleged to have been taken by the government against such individual."

SECTION 3.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by revising Code Section 10-1-573, relating to day of rest for employees of business and industry, as follows:

"10-1-573.

(a) Any business or industry which operates on either of the two rest days (Saturday or Sunday) and employs those whose habitual day of worship has been chosen by the employer as a day of work shall make all reasonable accommodations to the religious, social, and physical needs of such employees so that those employees may enjoy the same benefits as employees in other occupations.

(b) No business or industry shall be required by ordinance or resolution of any county, municipality, or consolidated government to operate on either of the two rest days (Saturday or Sunday)."

SECTION 4.

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

"ARTICLE 35

10-1-1000.

As used in this article, the term:

(1) 'Faith based organization' means a church, a religious school, an association or convention of churches, a convention mission agency, or an integrated auxiliary of a church or convention or association of churches, when such entity is qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(2) 'Government' means the state or any political subdivision of the state or public instrumentality or public corporate body created by or under authority of state law.

10-1-1001.

(a) No faith based organization shall be required to rent, lease, or otherwise grant permission for property to be used by another person for an event which is objectionable to such faith based organization.

(b) No faith based organization shall be required to provide social, educational, or charitable services that violate such faith based organization's sincerely held religious belief as demonstrated by its practice, expression, or clearly articulated tenet of faith;

provided, however, that government may enforce the terms of a grant, contract, or other agreement voluntarily entered into by such faith based organization.

10-1-1002.

(a)(1) A refusal by a faith based organization pursuant to Code Section 10-1-1001 shall not give rise to a civil claim or cause of action against such faith based organization or an employee thereof or result in any state action to penalize, withhold benefits from, or discriminate against the faith based organization or employee based on such refusal.

(2) A refusal by a faith based organization pursuant to Code Section 10-1-1001 shall not be grounds to:

(A) Alter in any way state tax treatment of an exemption from taxation for such faith based organization under state law;

(B) Cause any tax, penalty, or payment to be assessed against such faith based organization or deny, delay, or revoke an exemption from taxation for such faith based organization under state law; or

(C) Disallow a deduction for state tax purposes of any charitable contribution made by or to such faith based organization.

(b) A faith based organization may assert a violation of this Code section by a government as a claim or defense in a judicial, agency, or other proceeding and obtain a declaratory judgment or injunctive relief in a court of competent jurisdiction.

(c) When an aggrieved faith based organization prevails in an action pursuant to this Code section, the court may award reasonable attorney's fees and court costs.

(d) No faith based organization having a claim against a government under this Code section shall bring any such action without first giving notice of the claim to such government, in writing, by certified mail or statutory overnight delivery, at least 30 days prior to filing such action, setting forth the particular prohibited action alleged to have been taken by the government against such faith based organization."

SECTION 5.

Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations generally, is amended by adding a new Code section to read as follows:

"34-1-9.

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

(1) 'Faith based organization' means a church, a religious school, an association or convention of churches, a convention mission agency, or an integrated auxiliary of a church or convention or association of churches, when such entity is qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(2) 'Government' means the state or any political subdivision of the state or public instrumentality or public corporate body created by or under authority of state law.

(b) Except as provided by the Constitution of this state or the United States or federal law, no faith based organization shall be required to hire or retain as an employee any person whose religious beliefs or practices or lack of either are not in accord with the faith based organization's sincerely held religious belief as demonstrated by practice, expression, or clearly articulated tenet of faith.

(c)(1) A refusal by a faith based organization to hire or retain a person pursuant to subsection (b) of this Code section shall not give rise to a civil claim or cause of action against such faith based organization or an employee thereof or result in any state action to penalize, withhold benefits from, or discriminate against the faith based organization or employee based on such refusal.

(2) A refusal by a faith based organization to hire or retain a person pursuant to subsection (b) of this Code section shall not be grounds to:

(A) Alter in any way state tax treatment of an exemption from taxation for such faith based organization under state law;

(B) Cause any tax, penalty, or payment to be assessed against such faith based organization or deny, delay, or revoke an exemption from taxation for such faith based organization under state law; or

(C) Disallow a deduction for state tax purposes of any charitable contribution made by or to such faith based organization.

(d) A faith based organization may assert a violation of this Code section by a government as a claim or defense in a judicial, agency, or other proceeding and obtain a declaratory judgment or injunctive relief in a court of competent jurisdiction.

(e) When an aggrieved faith based organization prevails in an action pursuant to this Code section, the court may award reasonable attorney's fees and court costs.

(f) No faith based organization having a claim against a government under this Code section shall bring any such action without first giving notice of the claim to such government, in writing, by certified mail or statutory overnight delivery, at least 30 days prior to filing such action, setting forth the particular prohibited action alleged to have been taken by the government against such faith based organization."

SECTION 6.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new chapter to read as follows:

"CHAPTER 15A

50-15A-1.

As used in this chapter, the term:

(1) 'Delinquent act' shall have the same meaning as provided for in Code Section 15-11-2.

(2) 'Demonstrates' means meets the burdens of going forward with the evidence and of persuasion.

(3) 'Exercise of religion' means the exercise of religion pursuant to Paragraphs III and IV of Section I, Article I of the Constitution of this state or the Free Exercise Clause of the First Amendment to the Constitution of the United States.
(4) 'Government' means the state or any political subdivision of the state or public instrumentality or public corporate body created by or under authority of state law.
(5) 'Penal institution' means any jail, correctional institution, or similar facility for the detention of violators of state laws or local ordinances and any entity supervising such violators placed on parole, probation, or other conditional release and any facility for the restrictive custody of children and any entity supervising children who are not in restrictive custody but who are accused of or adjudicated for a delinquent act.
(6) 'Restrictive custody' shall have the same meaning as provided for in Code Section 15-11-2.

50-15A-2.
(a) Government shall not substantially burden a person's exercise of religion even if the burden results from a law, rule, regulation, ordinance, or resolution of general applicability, except as provided in subsection (b) of this Code section.
(b) Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person is:
(1) In furtherance of a compelling governmental interest; and
(2) The least restrictive means of furthering that compelling governmental interest.
(c) A person whose exercise of religion has been burdened in violation of this Code section may assert that violation as a claim or defense in a judicial proceeding and obtain a declaratory judgment or injunctive relief against a government.

50-15A-3.
In any action or proceeding to enforce a provision of this chapter, the court or tribunal may allow the prevailing party, other than government, reasonable attorney's fees and court costs.

50-15A-4.
No person having a claim under this chapter shall bring any action against government without first giving notice of the claim to such government, in writing, by certified mail or statutory overnight delivery, at least 30 days prior to filing such action, setting forth the particular discriminatory action alleged to have been taken by the government against such person.

50-15A-5.
(a) With respect to interactions which affect the rights or interests of third persons, this chapter shall be construed consistent with Article I, Section I, Paragraphs III and IV of the Constitution of Georgia and consistent with decisions of the Georgia Supreme Court made pursuant to said paragraphs.
(b) Nothing in this chapter shall be construed to:

(1) Permit invidious discrimination on any grounds prohibited by federal or state law;
(2) Apply to penological rules, regulations, conditions, or policies established by a penal institution that are reasonably related to the safety and security of incarcerated persons, staff, visitors, supervised violators, or the public, or to the maintenance of good order and discipline in any penal institution or parole or probation program;
(3) Create any rights by an employee against an employer, if such employer is not a government; or
(4) Afford any protection or relief to a public officer or employee who fails or refuses to perform his or her official duties; provided, however, that this paragraph shall not prohibit any person from holding any public office or trust on account of religious opinions, in accordance with Paragraph IV of Section I of Article I of the Constitution."

SECTION 7.

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

"50-21-38.

The defense of sovereign immunity is waived as to any claim, counterclaim, cross-claim, or third-party claim brought in the courts of this state by an aggrieved individual or faith based organization seeking a declaratory judgment, injunctive relief, or reasonable attorney's fees and court costs against the state as provided for in Code Section 19-3-11, Article 35 of Chapter 1 of Title 10, Code Section 34-1-9, or Chapter 15A of this title. In any such case, the applicable provisions of said Code sections, article, or chapter shall control to the extent of any conflict with the provisions of this article."

SECTION 8.

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

SECTION 9.

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

Representative Tanner of the 9th moved that the House agree to the Senate substitute, as amended by the House, to HB 757.

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

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

Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
N Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, T	Y Dollar	E Howard	N Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	N Drenner	E Jackson	N Pezold	Y Tankersley
N 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	N Taylor, T
Y Brockway	N Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	N Jordan	E Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	N 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	Y Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
N Cannon	N Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	E Mabra	Y Rogers, T	N Wilkinson
Y Casas	Y Gasaway	N Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	N Martin	Y Rynders	N Williams, A
Y Cheokas	E Glanton	Y Maxwell	N Scott	N Williams, C
Y Clark, D	N Golick	N Mayo	Y Setzler	E Williams, E
Y Clark, H	N Gordon	E McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	N Greene	Y Meadows	Y Sims	Ralston, Speaker

On the motion, the ayes were 104, nays 65.

The motion prevailed.

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

SB 369. By Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 25 of the O.C.G.A., relating to regulation of fireworks, so as to revise the standard of compliance from explosion to ignition; to provide for definitions; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, so as to provide for further regulations by municipal corporations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to provide for the levy of a retail sales and use tax by the City of Atlanta for the purpose of providing public transportation of passengers for hire in the metropolitan area of the City of Atlanta; to provide for definitions, procedures, conditions, and limitations for the imposition of such tax; to provide for selection of projects for such purposes; to provide for a referendum; to provide for an additional referendum in certain instances; to provide for a limitation on the collection of a tax for transportation purposes in certain counties in certain instances; to amend Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special district mass transportation sales and use tax, so as to provide for the levy of a tax for transportation purposes in metropolitan county special districts; to provide for definitions, procedures, conditions, and limitations for the imposition of such tax; to provide for selection of projects for such purposes; to provide for a referendum; to provide for the levy of a tax for transportation purposes in metropolitan municipality special districts; to provide for definitions, procedures, conditions, and limitations for the imposition of such tax; to provide for selection of projects for such purposes; to provide for a referendum; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
MARTA Tax
SECTION 1-1.

Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, is amended by adding a new Code section to read as follows:

"32-9-13.

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

(1) 'Authority' means the authority created by the MARTA Act.

(2) 'City' means the City of Atlanta.

(3) 'MARTA Act' means an Act known as the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

(b) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008, the city shall be authorized to levy a retail sales and use tax up to .50 percent under the provisions set forth in this Code section. Such tax shall be in addition to any tax which is currently authorized and collected under the MARTA Act. The city may elect to hold a referendum in 2016 as provided for by this Code section by the adoption of a resolution or ordinance by its governing body on or prior to June 30, 2016;

provided, however, that if the city does not adopt a resolution or ordinance on or prior to June 30, 2016, it may elect to hold a referendum at the November, 2017, municipal general election by the adoption of a resolution or ordinance by its governing body to that effect on or prior to June 30, 2017. Such additional tax shall not count toward any local sales tax limitation provided for by Code Section 48-8-6. Any tax imposed under this part at a rate of less than .50 percent shall be in an increment of .05 percent. Any tax imposed under this part shall run concurrently as to duration of the levy with the 1 percent tax currently levied pursuant to the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

(c)(1) No later than May 31 of the year a referendum is to be called for as provided in this Code section, the authority shall submit to the city a preliminary list of new rapid transit projects within or serving the geographical area of the city which may be funded in whole or in part by the proceeds of the additional tax authorized by this Code section.

(2) No later than July 31 of the year a referendum is to be called for as provided in this Code section, the authority shall submit to the city a final list of new rapid transit projects within or serving the city to be funded in whole or in part by the proceeds of the tax authorized by this Code section. Such final list of new rapid transit projects shall be incorporated into the rapid transit contract established under Section 24 of the MARTA Act between the authority and the city upon approval by the qualified voters of the city of the referendum to levy the additional tax authorized by this Code section.

(d) Before the additional tax authorized under this Code section shall become valid, the tax shall be approved by a majority of qualified voters of the city in a referendum thereon. The procedure for holding the referendum called for in this Code section shall be as follows: There shall be published in a newspaper having general circulation throughout the city, once each week for four weeks immediately preceding the week during which the referendum is to be held, a notice to the electors thereof that on the day named therein an election will be held to determine the question of whether or not the tax authorized by this Code section should be collected in the city for the purpose of expanding and enhancing the rapid transit system. Such election shall be held in all the election districts within the territorial limits of the city. The question to be presented to the electorate in any such referendum shall be stated on the ballots or ballot labels as follows:

'( ) YES Shall an additional sales tax of (insert percentage) percent be collected in the City of Atlanta for the purpose of significantly expanding and
( ) NO enhancing MARTA transit service in Atlanta?'

The question shall be published as a part of the aforesaid notice of election. Each such election shall be governed, held, and conducted in accordance with the provisions of law from time to time governing the holding of special elections. After the returns of such an election have been received, and the same have been canvassed and computed, the result shall be certified to the governing body of the city, in addition to any other

person designated by law to receive the same, and such governing body shall officially declare the result thereof. Each election called by the governing body of the city under the provisions of this Code section shall be governed by and conducted in accordance with the provisions of law governing the holding of elections by the city. The expense of any such election shall be paid by the city.

(e) If a majority of those voting in such an election vote in favor of the proposition submitted, then the rapid transit contract between the authority and the city shall authorize the levy and collection of the tax provided for by this Code section, and the final list provided for in paragraph (2) of subsection (c) of this Code section shall be incorporated therein. All of the proceeds derived from the additional tax provided for by this Code section shall be first allocated for payment of the cost of the rapid transit projects incorporated in such contract, except as otherwise provided by the terms of such rapid transit contract, and thereafter, upon completion and payment of such rapid transit projects, as provided for in such contract and this Code section. It shall be the policy of the authority to provide that the tax collected under this Code section in an amount exceeding the cost of the rapid transit projects incorporated in the contract shall be expended solely within and for the benefit of the city. When a tax is imposed under this Code section, the rate of any tax approved as provided for by Article 5A of Chapter 8 of Title 48 shall and the tax provided for by this Code section, in aggregate, shall not exceed a rate of 1 percent.

(f) If a majority of those voting in an election provided for by this Code section in 2016 vote against the proposition submitted, the city may elect to resubmit such proposition on the date of the November, 2017, municipal general election by the adoption of a resolution or ordinance to that effect on or prior to June 30, 2017, subject to the provisions of this Code section.

(g)(1) Except as provided for to the contrary in this Code section, the additional tax provided for by this Code section shall be collected in the same manner and under the same conditions as set forth in Section 25 of the MARTA Act.

(2) The tax provided for by this Code section shall not be subject to any restrictions as to rate provided for by the MARTA Act and shall not be subject to the provisions of paragraph (2) of subsection (b) or subsection (k) of Section 25 of the MARTA Act.

(3) A tax levied under this paragraph shall be added to the state sales and use tax imposed by Article 1 of Chapter 8 of Title 48 and the state revenue commissioner is authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax imposed under this paragraph in the city."

PART II
Special District Transportation Taxes
SECTION 2-1.

Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special district mass transportation sales and use tax, is amended by revising such article as follows:

"ARTICLE 5A
Part 1

48-8-260.
As used in this article, the term:
(1) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX, Section III, Paragraph I of the Constitution.
(2) 'Mass transportation' means any mode of transportation serving the general public which is appropriate to transport people by highways or rail.
(3) 'Mass transportation regional system participant' means any county within a special district created pursuant to Article 5 of this chapter in which mass transportation service is provided within such special district, to such special district, or from such special district by a multicounty regional transportation authority created by an Act of the General Assembly, including but not limited to the Georgia Regional Transportation Authority or the Metropolitan Atlanta Rapid Transit Authority.
(4) 'Qualified municipality' means a qualified municipality as defined in paragraph (4) of Code Section 48-8-110 which is located wholly or partly within a special district.
(5) 'Transportation purposes' means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including new general obligation debt and other multiyear obligations issued to finance such purposes. Such purposes shall also include the retirement of previously incurred general obligation debt with respect only to such purposes, but only if an intergovernmental agreement has been entered into under this ~~article~~ part.

48-8-261.
(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, 159 special districts are created within this state. The geographical boundary of each county shall correspond with and shall be conterminous with the geographical boundary of the 159 special districts created.
(b) On or after July 1, 2016, any county:
(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter;
(2) That is not defined as a metropolitan county special district that is governed by the provisions of Part 2 of this article;
~~(2)~~(3) That is a mass transportation regional system participant; and
~~(3)~~(4) In which a tax is currently being levied and collected pursuant to:
(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this ~~article~~ part, impose for a limited period of time within the special district under this ~~article~~ part a transportation special purpose local option sales and use tax, the proceeds of which shall be used only for transportation purposes.

(c) On or after July 1, 2017, any county:

(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter; ~~and~~

(2) That is not defined as a metropolitan county special district that is governed by the provisions of Part 2 of this article; and

~~(2)~~(3) In which a tax is currently being levied and collected pursuant to:

(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this ~~article~~ part, impose for a limited period of time within the special district under this ~~article~~ part a transportation special purpose local option sales and use tax, the proceeds of which shall be used only for transportation purposes.

48-8-262.

(a)~~(1) Except as otherwise provided in paragraph (2) of this subsection, prior~~ Prior to the issuance of the call for the referendum required by Code Section 48-8-263, any county that desires to levy a tax under this ~~article~~ part shall deliver or mail a written notice to the mayor or chief elected official in each qualified municipality located within the special district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authorities of the county and of each qualified municipality are to meet to discuss possible projects for inclusion in the referendum and the rate of tax. The notice shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the referendum.

~~(2) When 90 percent or more of the geographic area of a special district is located within one or more qualified municipalities and when a qualified municipality or combination of qualified municipalities within the special district whose combined population within the special district is 60 percent or more of the aggregate population of all qualified municipalities within the special district desires to levy a tax under this article, such qualified municipality or municipalities may deliver or mail written notice to the chief elected official of the governing authority of the county located within the special district calling for a meeting to discuss projects for inclusion in the~~

~~referendum and the rate of levy of the tax. Such notice shall contain the date, time, place, and purpose of the meeting and shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for a referendum. If the county and all qualified municipalities within the special district do not enter into an intergovernmental agreement meeting the requirements of subsection (b) of this Code section within 30 days after the meeting, when 90 percent or more of the geographic area of a special district is located within one or more qualified municipalities the qualified municipality or combination of qualified municipalities within the special district whose combined population within the special district is 60 percent or more of the aggregate population of all qualified municipalities within the special district may adopt a resolution as provided in subsection (d) of this Code section and issue the call for a referendum on the levy of a tax under this article.~~

(b)(1) Following the meeting required by subsection (a) of this Code section and prior to any tax being imposed under this ~~article~~ part, the county and all qualified municipalities therein may execute an intergovernmental agreement memorializing their agreement to the levy of a tax and the rate of such tax.

(2) If an intergovernmental agreement authorized by paragraph (1) of this subsection is entered into, it shall, at a minimum, include the following:

(A) A list of the projects and purposes qualifying as transportation purposes proposed to be funded from the tax, including an expenditure of at least 30 percent of the estimated revenue from the tax on projects ~~included in~~ consistent with the state-wide strategic transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22;

(B) The estimated or projected dollar amounts allocated for each transportation purpose from proceeds from the tax;

(C) The procedures for distributing proceeds from the tax to qualified municipalities;

(D) A schedule for distributing proceeds from the tax to qualified municipalities which shall include the priority or order in which transportation purposes will be fully or partially funded;

(E) A provision that all transportation purposes included in the agreement shall be funded from proceeds from the tax except as otherwise agreed;

(F) A provision that proceeds from the tax shall be maintained in separate accounts and utilized exclusively for the specified purposes;

(G) Record-keeping and audit procedures necessary to carry out the purposes of this ~~article~~ part; and

(H) Such other provisions as the county and qualified municipalities choose to address.

(c)(1) If an intergovernmental agreement is entered into by the county and all qualified municipalities, the rate of the tax may be up to 1 percent.

(2) If an intergovernmental agreement is not entered into by the county and all qualified municipalities, the maximum rate of the tax shall not exceed .75 percent and such rate shall be determined by the governing authority of the county.

(d)(1) As soon as practicable after the meeting between the governing authorities of the county and qualified municipalities and the execution of an intergovernmental agreement, if applicable, the governing authority of the county shall by a majority vote on a resolution offered for such purpose submit the list of transportation purposes and the question of whether the tax should be approved to electors of the special district in the next scheduled election and shall notify the county election superintendent within the special district by forwarding to the superintendent a copy of such resolution calling for the imposition of the tax. Such list, or a digest thereof, shall be available during regular business hours in the office of the county clerk.

(2) The resolution authorized by paragraph (1) of this subsection shall describe:

(A) The specific transportation purposes to be funded;

(B) The approximate cost of such transportation purposes, which shall also be the maximum amount of net proceeds to be raised by the tax; and

(C) The maximum period of time, to be stated in calendar years, for which the tax may be imposed and the rate thereof. The maximum period of time for the imposition of the tax shall not exceed five years.

48-8-263.

(a)(1) The ballot submitting the question of the imposition of the tax to the voters within the special district shall have written or printed thereon the following:

'( ) YES Shall a special ___ percent sales and use tax be imposed in the special district consisting of _____County for a period of time not to exceed
( ) NO _____ and for the raising of not more than an estimated amount of $_____ for transportation purposes?'

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of _____ County in the principal amount of $_____ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast throughout the entire special district are in favor of imposing the tax, then the tax shall be imposed as provided in this ~~article~~ part.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this ~~article~~ part.

(d)(1) If the intergovernmental agreement, if applicable, and proposal include the authority to issue general obligation debt and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise, such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the county may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this ~~article~~ <u>part</u>. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this ~~article~~ <u>part</u>. In either event, such general obligation debt shall be payable first from the separate account in which are placed the proceeds received by the county from the tax. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

48-8-264.

(a)(1) If the imposition of the tax is approved at the election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the tax was approved by the voters.

(2) With respect to services which are regularly billed on a monthly basis, however, the resolution shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in paragraph (1) of this subsection.

(b) The tax shall cease to be imposed on the earliest of the following dates:

(1) If the resolution calling for the imposition of the tax provided for the issuance of general obligation debt and such debt is the subject of validation proceedings, as of the end of the first calendar quarter ending more than 80 days after the date on which a court of competent jurisdiction enters a final order denying validation of such debt;

(2) On the final day of the maximum period of time specified for the imposition of the tax; or

(3) As of the end of the calendar quarter during which the commissioner determines that the tax will have raised revenues sufficient to provide to the special district net proceeds equal to or greater than the amount specified as the maximum amount of net proceeds to be raised by the tax.

(c)(1) At any time, no more than a single tax under this ~~article~~ part shall be imposed within a special district. Any tax imposed under this ~~article~~ part may, subject to the requirements of subsection (c) of Code Section 48-8-262, be imposed at a rate of up to 1 percent but shall not exceed 1 percent. Any tax imposed under this ~~article~~ part at a rate of less than 1 percent shall be in an increment of .05 percent.

(2) In any special district in which a tax is in effect under this ~~article~~ part, proceedings may be commenced, while the tax is in effect, calling for the reimposition of the tax upon the termination of the tax then in effect; and an election may be held at the next scheduled election for this purpose while the tax is in effect. Such proceedings for the reimposition of a tax under this ~~article~~ part shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.

(3) Following the expiration of a tax under this ~~article~~ part, proceedings for the reimposition of a tax under this ~~article~~ part may be initiated in the same manner as provided in this ~~article~~ part for initial imposition of such tax.

48-8-265.

A tax levied pursuant to this ~~article~~ part shall be exclusively administered and collected by the commissioner for the use and benefit of the county and qualified municipalities within the special district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the special district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-266.

Each sales tax return remitting taxes collected under this ~~article~~ part shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this ~~article~~ part are collected and distributed according to situs of sale.

48-8-267.

(a) The proceeds of the tax collected by the commissioner in each special district under this ~~article~~ part shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) Except for the percentage provided in paragraph (1) of this subsection, the remaining proceeds of the tax shall be distributed:

(A) Pursuant to the terms of the intergovernmental agreement, if applicable; or

(B) If no intergovernmental agreement has been entered into, in accordance with subsection (b) of this Code section.

(b) In the event an intergovernmental agreement has not been entered into, then distribution of the proceeds shall be as follows:

(1) The state auditor shall determine the most recent three fiscal years for which an audit under Code Section 36-81-7 has been made;

(2) Utilizing the audit information under paragraph (1) of this subsection, the county and each qualified municipality shall receive a proportional amount of proceeds of the tax based upon the amount of expenditures made for transportation in the most recent three fiscal years. The proportional amount for the county and each qualified municipality shall be determined by dividing the average expended on transportation during the most recent three fiscal years by the county or qualified municipality by the aggregate average expended on transportation by the county and all qualified municipalities in the special district during the most recent three fiscal years. Amounts expended on transportation include transportation maintenance and operation costs and shall correspond with classifications and subclassifications specified in the local government uniform chart of accounts under subsection (e) of Code Section 36-81-3 within section 4200, including noncapital expenditures within sections 4210-4270, and shall be reported in the local government audit. Total general fund expenditures by the local government within these categories shall be specified in the footnotes of the audited financial statement. If such transportation expenditures include maintenance and operation costs to support local government airport and transit operations, reported in functions 7561 and 7563 of the uniform chart, the general fund costs for those functions shall be included in the footnotes of the local government's audited financial report; and

(3) Following the determinations made pursuant to paragraph (2) of this subsection and at least 30 days prior to the referendum, the state auditor shall certify the appropriate distribution percentages to the commissioner and the commissioner shall utilize such percentages for the distribution of proceeds for the term of the tax.

48-8-268.

(a) The proceeds of a tax under this ~~article~~ part shall not be subject to any allocation or balancing of state and federal funds provided for by general law, and such proceeds shall not be considered or taken into account in any such allocation or balancing.

(b) The approval of the tax under this ~~article~~ part shall not in any way diminish the percentage of state or federal funds allocated to any of the local governments under Code Section 32-5-27 within the special district levying the tax. The amount of state or federal funds expended in the county or any qualified municipality within the special district shall not be decreased or diverted due to the use of proceeds from the tax levied under this ~~article~~ part for transportation purposes that have a high priority in the state-wide strategic transportation plan.

48-8-269.

(a) Except as to rate, a tax imposed under this ~~article~~ part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this ~~article~~ part, except that a tax imposed under this ~~article~~ part shall not apply to:

(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;

(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;

(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale;

(5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit; or

(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

(b) Except as otherwise specifically provided in this ~~article~~ part, the tax imposed pursuant to this ~~article~~ part shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this ~~article~~ part shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

48-8-269.1.

Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this ~~article~~ part upon the same property. If the amount of sales or use tax so paid is less than the amount of the tax due under this ~~article~~ part, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this ~~article~~ part. The commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax under this ~~article~~ part for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the county or in a special district which includes the county.

48-8-269.2.
No tax shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier.

48-8-269.3.
The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the tax.

48-8-269.4.
Except as provided in Code Section 48-8-6, the tax authorized under this ~~article~~ <u>part</u> shall be in addition to any other local sales and use tax. Except as otherwise provided in this ~~article~~ <u>part</u> and except as provided in Code Section 48-8-6, the imposition of any other local sales and use tax within a county or qualified municipality within a special district shall not affect the authority of a county to impose the tax authorized under this ~~article~~ <u>part</u>, and the imposition of the tax authorized under this ~~article~~ <u>part</u> shall not affect the imposition of any otherwise authorized local sales and use tax within the special district.

48-8-269.5.
(a)(1) The proceeds received from the tax shall be used by the county and qualified municipalities within the special district exclusively for the transportation purposes specified in the resolution calling for imposition of the tax. Such proceeds shall be kept in a separate account from other funds of any county or qualified municipality receiving proceeds of the tax and shall not in any manner be commingled with other funds of any county or qualified municipality prior to the expenditure.
(2) The governing authority of each county and the governing authority of each qualified municipality receiving any proceeds from the tax under this ~~article~~ <u>part</u> shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.
(b) No general obligation debt shall be issued in conjunction with the imposition of the tax unless the county governing authority determines that, and if the debt is to be

validated it is demonstrated in the validation proceedings that, during each year in which any payment of principal or interest on the debt comes due, the county will receive from the tax net proceeds sufficient to fully satisfy such liability. General obligation debt issued under this ~~article~~ part shall be payable first from the separate account in which are placed the proceeds received by the county from the tax. Such debt, however, shall constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

(c) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the tax may specify that all of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose except as otherwise provided in subsection (f) of this Code section.

(d) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the tax may specify that a part of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the other purposes for which such proceeds will be used. In such a case, no part of the net proceeds from the tax received in any year shall be used for such other purposes until all debt service requirements of the general obligation debt for that year have first been satisfied from the account in which the proceeds of the tax are placed.

(e) The resolution calling for the imposition of the tax may specify that no general obligation debt is to be issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the purpose or purposes for which the proceeds will be used.

(f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of payment of general obligation debt issued in conjunction with the imposition of the tax, then any net proceeds of the tax in excess of the amount required for final payment of such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

(B) If the special district receives from the tax net proceeds in excess of the maximum cost of the transportation projects and purposes stated in the resolution calling for the imposition of the tax or in excess of the actual cost of such projects and purposes, then such excess proceeds shall be subject to and applied as provided in paragraph (2) of this subsection unless otherwise specified in the intergovernmental agreement, if applicable.

(C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section 48-8-264 by reason of denial of validation of debt, then all net proceeds received by the special district from the tax shall be excess proceeds subject to paragraph (2) of this subsection.

(2) Excess proceeds subject to this subsection shall be used solely for the purpose of reducing any indebtedness of any county or qualified municipality within the special district other than indebtedness incurred pursuant to this ~~article~~ part. If there is no

such other indebtedness or if the excess proceeds exceed the amount of any such other indebtedness, then the excess proceeds shall next be paid into the general fund of such county or qualified municipality, it being the intent that any funds so paid into the general fund of such county or qualified municipality be used for the purpose of reducing ad valorem taxes.

48-8-269.6.
Not later than December 31 of each year, the governing authority of each county and each ~~qualifying~~ qualified municipality receiving any proceeds from the tax under this ~~article~~ part shall publish annually, in a newspaper of general circulation in the boundaries of such county or municipality, a simple, nontechnical report which shows for each purpose in the resolution calling for the imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The report shall also include a statement of what corrective action the county or qualified municipality intends to implement with respect to each purpose which is underfunded or behind schedule and a statement of any surplus funds which have not been expended for a purpose.

Part 2

48-8-269.7.
(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, 159 special districts are created within this state. The geographical boundary of each county shall correspond with and shall be conterminous with the geographical boundary of the 159 special districts created.
(b) The provisions of this part shall only be applicable to special districts in which:
(1) A tax is currently being levied and collected pursuant to a local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; and
(2) Eighty percent or more of the geographic area of the special district is located within one or more qualified municipalities as defined in paragraph (4) of Code Section 48-8-260.
(c) Any special district in this state meeting the qualifications contained in subsection (b) of this Code section shall be known as a metropolitan county special district.

48-8-269.8.
(a) After July 1, 2016, any part of a metropolitan county special district that is outside the boundaries of a metropolitan municipality special district, as provided for in Code Section 48-8-269.995, may, by following the procedures required by this part, impose for a limited period of time within such part of the metropolitan county special district a

transportation special purpose local option sales and use tax, the proceeds of which shall be used only for transportation purposes.

(b) Prior to the issuance of the call for the referendum required by Code Section 48-8-269.9, the governing authority of the county in which the part of a metropolitan county special district that desires to levy a tax under this part is located shall deliver or mail a written notice to the mayor or chief elected official in each qualified municipality located within such part of the metropolitan county special district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authority of such county and of each qualified municipality are to meet to discuss possible projects for inclusion in the referendum and the rate of tax. The notice shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the referendum.

(c)(1) Upon approval of the qualified municipalities or county representing at least 60 percent of the population of the part of the metropolitan county special district not within the boundaries of a metropolitan municipality special district, the governing authority of the county by a majority vote on a resolution offered for such purpose shall submit the list of transportation purposes, as approved by the qualified municipalities or county representing at least 60 percent of the population of the part of the metropolitan county special district and the question of whether the tax should be approved to electors of the part of the metropolitan county special district not within the boundaries of a metropolitan municipality special district in the next scheduled election and shall notify the county election superintendent by forwarding to the superintendent a copy of such resolution calling for the imposition of the tax. Such list, or a digest thereof, shall be available during regular business hours in the office of the county clerk and in the offices of the governing authorities of the qualified municipalities participating in the election.

(2) The resolution authorized by paragraph (1) of this subsection shall describe:

(A) The specific transportation purposes to be funded;

(B) The approximate cost of such transportation purposes, which shall also be the maximum amount of net proceeds to be raised by the tax;

(C) The maximum period of time, to be stated in calendar years, for which the tax may be imposed and the rate thereof. The maximum period of time for the imposition of the tax shall not exceed five years; and

(D) A list of the projects and purposes qualifying as transportation purposes proposed to be funded from the tax, including an expenditure of at least 30 percent of the estimated revenue from the tax on projects consistent with the state-wide strategic transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22.

48-8-269.9.

(a)(1) The ballot submitting the question of the imposition of the tax to the voters within the part of the metropolitan county special district shall have written or printed thereon the following:

'( ) YES Shall an additional ___ percent sales tax be collected in part of _____ County _____ for _____ years for the purpose of
( ) NO transportation improvements and congestion reduction?'

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of _____ County in the principal amount of $_____ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast throughout the part of the metropolitan county special district are in favor of imposing the tax, then the tax shall be imposed as provided in this part.

(c) Where such question is not approved by the voters, the metropolitan county special district may resubmit such question from time to time upon compliance with the requirements of this part.

(d)(1) If the proposal includes the authority to issue general obligation debt and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise, such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the county may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this part. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this part. In either event, such general obligation debt shall be payable first from the separate account in which are placed the proceeds received by the county from the tax. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

48-8-269.91.

(a)(1) If the imposition of the tax is approved at the election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the tax was approved by the voters.

(2) With respect to services which are regularly billed on a monthly basis, however, the resolution shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in paragraph (1) of this subsection.

(b) The tax shall cease to be imposed on the earliest of the following dates:

(1) If the resolution calling for the imposition of the tax provided for the issuance of general obligation debt and such debt is the subject of validation proceedings, as of the end of the first calendar quarter ending more than 80 days after the date on which a court of competent jurisdiction enters a final order denying validation of such debt;

(2) On the final day of the maximum period of time specified for the imposition of the tax; or

(3) As of the end of the calendar quarter during which the commissioner determines that the tax will have raised revenues sufficient to provide to the metropolitan county special district net proceeds equal to or greater than the amount specified as the maximum amount of net proceeds to be raised by the tax.

(c)(1) At any time, no more than a single tax under this part shall be imposed within a metropolitan county special district. Any tax imposed under this part may be imposed at a rate of up to .75 percent. Any tax imposed under this part at a rate of less than .75 percent shall be in an increment of .05 percent.

(2) In any metropolitan county special district in which a tax is currently being levied and collected pursuant to a local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment, and such tax is levied at a percentage over 1 percent, then the combined amount of the percentage over 1 percent of such tax and the tax levied pursuant to this part shall not exceed 1 percent.

(3) In any metropolitan county special district in which a tax is in effect under this part, proceedings may be commenced, while the tax is in effect, calling for the reimposition of the tax upon the termination of the tax then in effect; and an election may be held at the next scheduled election for this purpose while the tax is in effect. Such proceedings for the reimposition of a tax under this part shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.

(4) Following the expiration of a tax under this part, proceedings for the reimposition of a tax under this part may be initiated in the same manner as provided in this part for initial imposition of such tax.

48-8-269.92.

A tax levied pursuant to this part shall be exclusively administered and collected by the commissioner for the use and benefit of the county and qualified municipalities within

the part of the metropolitan county special district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the metropolitan county special district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-269.93.
Each sales tax return remitting taxes collected under this part shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this part are collected and distributed according to situs of sale.

48-8-269.94.
The proceeds of the tax collected by the commissioner in each metropolitan county special district under this part shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) Except for the percentage provided in paragraph (1) of this Code section, the remaining proceeds of the tax shall be distributed pursuant to the terms of an intergovernmental agreement.

48-8-269.95.
(a) The proceeds of a tax under this part shall not be subject to any allocation or balancing of state and federal funds provided for by general law, and such proceeds shall not be considered or taken into account in any such allocation or balancing.
(b) The approval of the tax under this part shall not in any way diminish the percentage of state or federal funds allocated to any of the local governments under Code Section 32-5-27 within the metropolitan county special district levying the tax. The amount of state or federal funds expended in the county or any qualified municipality within the metropolitan county special district shall not be decreased or diverted due to the use of

proceeds from the tax levied under this part for transportation purposes that have a high priority in the state-wide strategic transportation plan.

48-8-269.96.

(a) Except as to rate, a tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax imposed under this part shall not apply to:

(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;

(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;

(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale;

(5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit; or

(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

(b) Except as otherwise specifically provided in this part, the tax imposed pursuant to this part shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this part shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

48-8-269.97.

Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this part upon the same property. If the amount of sales or use tax so paid is less than the amount of the tax due under this part, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this part. The commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax under this part for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the metropolitan county special district.

48-8-269.98.

No tax shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier.

48-8-269.99.
The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the tax.

48-8-269.991.
Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in addition to any other local sales and use tax. Except as otherwise provided in this part and except as provided in Code Section 48-8-6, the imposition of any other local sales and use tax within a county or qualified municipality within a metropolitan county special district shall not affect the authority of a metropolitan county special district to impose the tax authorized under this part, and the imposition of the tax authorized under this part shall not affect the imposition of any otherwise authorized local sales and use tax within the metropolitan county special district.

48-8-269.992.
(a)(1) The proceeds received from the tax shall be used by the county and qualified municipalities within the part of the metropolitan county special district levying the tax exclusively for the transportation purposes specified in the resolution calling for imposition of the tax. Such proceeds shall be kept in a separate account from other funds of any county or qualified municipality receiving proceeds of the tax and shall not in any manner be commingled with other funds of any county or qualified municipality prior to the expenditure.
(2) The governing authority of each county and the governing authority of each qualified municipality receiving any proceeds from the tax under this part shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.
(b) No general obligation debt shall be issued in conjunction with the imposition of the tax unless the county governing authority determines that, and if the debt is to be validated it is demonstrated in the validation proceedings that, during each year in which any payment of principal or interest on the debt comes due, the county will receive from the tax net proceeds sufficient to fully satisfy such liability. General obligation debt issued under this part shall be payable first from the separate account in which are placed the proceeds received by the county from the tax. Such debt, however, shall constitute a pledge of the full faith, credit, and taxing power of the

county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

(c) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the tax may specify that all of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose except as otherwise provided in subsection (f) of this Code section.

(d) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the tax may specify that a part of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the other purposes for which such proceeds will be used. In such a case, no part of the net proceeds from the tax received in any year shall be used for such other purposes until all debt service requirements of the general obligation debt for that year have first been satisfied from the account in which the proceeds of the tax are placed.

(e) The resolution calling for the imposition of the tax may specify that no general obligation debt is to be issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the purpose or purposes for which the proceeds will be used.

(f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of payment of general obligation debt issued in conjunction with the imposition of the tax, then any net proceeds of the tax in excess of the amount required for final payment of such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

(B) If the metropolitan county special district receives from the tax net proceeds in excess of the maximum cost of the transportation projects and purposes stated in the resolution calling for the imposition of the tax or in excess of the actual cost of such projects and purposes, then such excess proceeds shall be subject to and applied as provided in paragraph (2) of this subsection unless otherwise specified in the intergovernmental agreement, if applicable.

(C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section 48-8-269.91 by reason of denial of validation of debt, then all net proceeds received by the special district from the tax shall be excess proceeds subject to paragraph (2) of this subsection.

(2) Excess proceeds subject to this subsection shall be used solely for the purpose of reducing any indebtedness of any county or qualified municipality within the metropolitan county special district other than indebtedness incurred pursuant to this part. If there is no such other indebtedness or if the excess proceeds exceed the amount of any such other indebtedness, then the excess proceeds shall next be paid into the general fund of such county or qualified municipality, it being the intent that any funds so paid into the general fund of such county or qualified municipality be used for the purpose of reducing ad valorem taxes.

48-8-269.993.
Not later than December 31 of each year, the governing authority of the county and each qualified municipality receiving any proceeds from the tax under this part shall publish annually, in a newspaper of general circulation in the boundaries of such metropolitan county special district, a simple, nontechnical report which shows for each purpose in the resolution calling for the imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The report shall also include a statement of what corrective action the metropolitan county special district intends to implement with respect to each purpose which is underfunded or behind schedule and a statement of any surplus funds which have not been expended for a purpose.

Part 3

48-8-269.994.
(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, 159 special districts are created within this state. The geographical boundary of each county shall correspond with and shall be conterminous with the geographical boundary of the 159 special districts created.
(b) The provisions of this part shall only be applicable to special districts in which:
(1) A tax is currently being levied and collected by a municipality that is specifically authorized to levy such tax pursuant to a local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; and
(2) Such municipality contains within its boundaries 15 percent or more of the geographic area of a metropolitan county special district.
(c) The territory of any municipality in this state meeting the qualifications contained in subsection (b) of this Code section shall be a metropolitan municipality special district, the geographic boundary of which shall be coterminous with the geographic boundary of such municipality.

48-8-269.995.
(a) After July 1, 2016, any metropolitan municipality special district may, by following the procedures required by this part, impose for a limited period of time within such metropolitan municipality special district a transportation special purpose local option sales and use tax, the proceeds of which shall be used only for transportation purposes.
(b)(1) Prior to the issuance of the call for the referendum required by Code Section 48-8-269.996, the governing authority of the metropolitan municipality special district that desires to levy a tax under this part shall by a majority vote on a resolution offered for such purpose approve the submission of a list of transportation purposes and the question of whether the tax should be approved to the governing authority of the county in which the metropolitan municipality special district is located. In the event a metropolitan municipality special district is located in more than one county,

such resolution shall be forwarded to the governing authority of the county which contains the highest percentage of the geographic area of the metropolitan municipality special district. The governing authority of the county after approval of the resolution by a majority vote shall notify the county election superintendent by forwarding to the superintendent a copy of such resolution calling for the imposition of the tax and for the proposal to be presented to the qualified voters in the metropolitan municipality special district at the next scheduled election. Such resolution, or a digest thereof, shall be available during regular business hours in the office of the county clerk and in the offices of the metropolitan municipality special district calling for the election.

(2) The resolution authorized by paragraph (1) of this subsection shall describe:

(A) The specific transportation purposes to be funded;

(B) The approximate cost of such transportation purposes, which shall also be the maximum amount of net proceeds to be raised by the tax;

(C) The maximum period of time, to be stated in calendar years, for which the tax may be imposed and the rate thereof. The maximum period of time for the imposition of the tax shall not exceed five years; and

(D) A list of the projects and purposes qualifying as transportation purposes proposed to be funded from the tax, including an expenditure of at least 30 percent of the estimated revenue from the tax on projects consistent with the state-wide strategic transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22.

48-8-269.996.

(a)(1) The ballot submitting the question of the imposition of the tax to the voters within the metropolitan municipality special district shall have written or printed thereon the following:

'( ) YES Shall an additional ___ percent sales tax be collected in the City of _____ for _____ years for the purpose of transportation
( ) NO improvements and congestion reduction?'

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of _____ the municipality in the principal amount of $_____ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from municipal funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast

throughout the metropolitan municipality special district are in favor of imposing the tax, then the tax shall be imposed as provided in this part.

(c) Where such question is not approved by the voters, the metropolitan municipality special district may resubmit such question from time to time upon compliance with the requirements of this part.

(d)(1) If the proposal includes the authority to issue general obligation debt and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the municipality; otherwise, such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the municipality may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this part. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this part. In either event, such general obligation debt shall be payable first from the separate account in which are placed the proceeds received by the municipality from the tax. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the municipality; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the municipality.

48-8-269.997.

(a)(1) If the imposition of the tax is approved at the election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the tax was approved by the voters.

(2) With respect to services which are regularly billed on a monthly basis, however, the resolution shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in paragraph (1) of this subsection.

(b) The tax shall cease to be imposed on the earliest of the following dates:

(1) If the resolution calling for the imposition of the tax provided for the issuance of general obligation debt and such debt is the subject of validation proceedings, as of the end of the first calendar quarter ending more than 80 days after the date on which a court of competent jurisdiction enters a final order denying validation of such debt;

(2) On the final day of the maximum period of time specified for the imposition of the tax; or

(3) As of the end of the calendar quarter during which the commissioner determines that the tax will have raised revenues sufficient to provide to the metropolitan municipality special district net proceeds equal to or greater than the amount specified as the maximum amount of net proceeds to be raised by the tax.

(c)(1) At any time, no more than a single tax under this part shall be imposed within a metropolitan municipality special district. Any tax imposed under this part may be imposed at a rate of up to .75 percent. Any tax imposed under this part at a rate of less than .75 percent shall be in an increment of .05 percent.

(2) In any metropolitan municipality special district in which a tax is currently being levied and collected pursuant to a local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment, and such tax is levied at a percentage over 1 percent, then the combined amount of the percentage over 1 percent of such tax and the tax levied pursuant to this part shall not exceed 1 percent;

(3) In any metropolitan municipality special district in which a tax is in effect under this part, proceedings may be commenced, while the tax is in effect, calling for the reimposition of the tax upon the termination of the tax then in effect; and an election may be held at the next scheduled election for this purpose while the tax is in effect. Such proceedings for the reimposition of a tax under this part shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.

(4) Following the expiration of a tax under this part, proceedings for the reimposition of a tax under this part may be initiated in the same manner as provided in this part for initial imposition of such tax.

48-8-269.998.

A tax levied pursuant to this part shall be exclusively administered and collected by the commissioner for the use and benefit of the metropolitan municipal special district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the metropolitan municipal special district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-269.999.
Each sales tax return remitting taxes collected under this part shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this part are collected and distributed according to situs of sale.

48-8-269.9991.
The proceeds of the tax collected by the commissioner in each metropolitan municipality special district under this part shall be disbursed as soon as practicable after collection; provided, however, that 1 percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration.

48-8-269.9992.
(a) The proceeds of a tax under this part shall not be subject to any allocation or balancing of state and federal funds provided for by general law, and such proceeds shall not be considered or taken into account in any such allocation or balancing.
(b) The approval of the tax under this part shall not in any way diminish the percentage of state or federal funds allocated to any municipality under Code Section 32-5-27. The amount of state or federal funds expended in the metropolitan municipality special district shall not be decreased or diverted due to the use of proceeds from the tax levied under this part for transportation purposes that have a high priority in the state-wide strategic transportation plan.

48-8-269.9993.
(a) Except as to rate, a tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax imposed under this part shall not apply to:
(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;
(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;
(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;
(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale;
(5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit; or
(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.
(b) Except as otherwise specifically provided in this part, the tax imposed pursuant to this part shall be subject to any sales and use tax exemption which is otherwise imposed

by law; provided, however, that the tax levied by this part shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

48-8-269.9994.
Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this part upon the same property. If the amount of sales or use tax so paid is less than the amount of the tax due under this part, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this part. The commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax under this part for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the county or in a metropolitan municipality special district which includes the county.

48-8-269.9995.
No tax shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the metropolitan county special district in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier.

48-8-269.9996.
The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the tax.

48-8-269.9997.
Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in addition to any other local sales and use tax. Except as otherwise provided in this part and except as provided in Code Section 48-8-6, the imposition of any other local sales and use tax within a metropolitan municipality special district shall not affect the imposition of any otherwise authorized local sales and use tax within the metropolitan municipality special district.

48-8-269.9998.
(a)(1) The proceeds received from the tax shall be used by the metropolitan municipality special district levying the tax exclusively for the transportation purposes specified in the resolution calling for imposition of the tax. Such proceeds shall be kept in a separate account from other funds of the municipality receiving proceeds of the tax and shall not in any manner be commingled with other funds.

(2) The governing authority of any municipality receiving any proceeds from the tax under this part shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.

(b) No general obligation debt shall be issued in conjunction with the imposition of the tax unless the municipal governing authority determines that, and if the debt is to be validated it is demonstrated in the validation proceedings that, during each year in which any payment of principal or interest on the debt comes due, the municipality will receive from the tax net proceeds sufficient to fully satisfy such liability. General obligation debt issued under this part shall be payable first from the separate account in which are placed the proceeds received by the municipality from the tax. Such debt, however, shall constitute a pledge of the full faith, credit, and taxing power of the municipality; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the municipality.

(c) The resolution calling for the imposition of the tax may specify that all of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose except as otherwise provided in subsection (f) of this Code section.

(d) The resolution calling for the imposition of the tax may specify that a part of the proceeds of the tax will be used for payment of general obligation debt issued in conjunction with the imposition of the tax. The resolution shall specifically state the other purposes for which such proceeds will be used. In such a case, no part of the net proceeds from the tax received in any year shall be used for such other purposes until all debt service requirements of the general obligation debt for that year have first been satisfied from the account in which the proceeds of the tax are placed.

(e) The resolution calling for the imposition of the tax may specify that no general obligation debt is to be issued in conjunction with the imposition of the tax. The resolution shall specifically state the purpose or purposes for which the proceeds will be used.

(f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of payment of general obligation debt issued in conjunction with the imposition of the tax, then any net proceeds of the tax in excess of the amount required for final payment of such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

(B) If the metropolitan municipality special district receives from the tax net proceeds in excess of the maximum cost of the transportation projects and purposes stated in the resolution calling for the imposition of the tax or in excess of the actual cost of such projects and purposes, then such excess proceeds shall be subject to and applied as provided in paragraph (2) of this subsection.

(C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section 48-8-269.997 by reason of denial of validation of debt, then all net proceeds received by the metropolitan municipality special district from the tax shall be excess proceeds subject to paragraph (2) of this subsection.

(2) Excess proceeds subject to this subsection shall be used solely for the purpose of reducing any indebtedness of the metropolitan municipality special district other than indebtedness incurred pursuant to this part. If there is no such other indebtedness or if the excess proceeds exceed the amount of any such other indebtedness, then the excess proceeds shall next be paid into the general fund of such municipality, it being the intent that any funds so paid into the general fund of such municipality be used for the purpose of reducing ad valorem taxes.

48-8-269.9999.

Not later than December 31 of each year, the governing authority of the municipality receiving any proceeds from the tax under this part shall publish annually, in a newspaper of general circulation in the boundaries of such municipality, a simple, nontechnical report which shows for each purpose in the resolution calling for the imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The report shall also include a statement of what corrective action the municipality intends to implement with respect to each purpose which is underfunded or behind schedule and a statement of any surplus funds which have not been expended for a purpose."

PART III
Effective Date; General Repealer.
SECTION 3-1.

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

SECTION 3-2.

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

The following amendment was read and adopted:

Representatives Jones of the 47th and Smyre of the 135th offer the following amendment:

Amend the substitute to SB 369 (LC 34 4943S) by deleting line 561 and inserting in lieu thereof the following:

the county, unless there is a vote against the resolution by a majority plus one of the members of such governing authority of the county, shall sign a resolution offered for such purpose and shall submit the

By deleting lines 867 and 868 and inserting in lieu thereof the following:

district. The governing authority of the county, unless there is a vote against the resolution by a majority plus one of the members of such governing authority of the county, shall sign a resolution offered for such purpose and shall notify the county election superintendent by forwarding to the

The Committee substitute, as amended, was adopted.

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

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

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	Y Smith, L
Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E 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	Y 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	E 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	E 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	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	Y Jordan	E Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
Y Cannon	Y Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	E Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	Y Marin	E Rutledge	Y Willard

Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
Y Clark, D	N Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	E McCall	Y Sharper	Y Williamson
Y Clark, V	N 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, as amended, the ayes were 159, nays 4.

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

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

Mr. Speaker:

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

HB 238. By Representatives Harbin of the 122nd, Wilkinson of the 52nd, Geisinger of the 48th, Sims of the 123rd, Parrish of the 158th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to state sales and use tax exemptions, so as to provide a sales tax exemption for tangible personal property used for or in the renovation or expansion of an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 899. By Representatives Powell of the 171st, England of the 116th, Burns of the 159th, Jones of the 47th, Meadows of the 5th and others:

A BILL to be entitled an Act to amend Chapters 13 and 13A of Title 10 of the Official Code of Georgia Annotated, relating to tobacco product manufacturers and master settlement agreement enhancements, respectively, so as to revise and add certain definitions; to provide for procedures, conditions, and limitations; to provide for responsibilities of cigarette importers and stamping agents; to provide for duties of the Attorney General and the revenue commissioner; to amend Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, so as to clarify applicability in conjunction with other provisions of law; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

HB 1058. By Representatives Price of the 48th, Hawkins of the 27th, Cooper of the 43rd, Dempsey of the 13th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Chapters 17 and 22 of Title 31 and Code Section 24-12-21 of the O.C.G.A., relating to control of venereal disease, clinical laboratories, and the disclosure of AIDS confidential information, respectively, so as to revise various statutes relating to HIV and AIDS; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 910. By Representatives Frye of the 118th, Fleming of the 121st, Kelley of the 16th, Mabra of the 63rd, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, so as to provide that provisions relating to the costs of copying and mailing patient records apply to psychiatric, psychological, and other mental health records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Burns of the 159th moved that the House do now adjourn until 10:00 o'clock, A.M., Tuesday, March 22, 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., Tuesday, March 22, 2016.